

South Australia

# **Fisheries Management (Rock Lobster Fisheries) Regulations 2017**

under the *Fisheries Management Act 2007*

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### Part 2—Transitional provisions

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## 1—Short title

These regulations may be cited as the *Fisheries Management (Rock Lobster Fisheries) Regulations 2017*.

## 3—Interpretation

- (1) In these regulations, unless the contrary intention appears—

*Act* means the *Fisheries Management Act 2007*;

*bait net* has the same meaning as in the *Fisheries Management (General) Regulations 2017*;

*cockle* means any mollusc of—

- (a) the order Veneroida (other than Pipi (*Donax* spp) or Vongole (*Katelysia* spp)); or
- (b) the genus *Anadara*;

*Corporations Act* means the *Corporations Act 2001* of the Commonwealth;

*current company extract* means a document prepared by the Australian Securities and Investment Commission from its national database kept under the Corporations Act that contains current details of the following in relation to a company:

- (a) the company's name;
- (b) the address of the company's registered office;
- (c) the date of registration of the company;
- (d) the State or Territory in which the company is taken to be registered under the Corporations Act;

- (e) the company's Australian Company Number;
- (f) whether the company is a proprietary company or a public company;
- (g) the full name of each director of the company;
- (h) the full name of each secretary (if any) of the company;

**Department** means the administrative unit of the Public Service responsible for assisting a Minister in the administration of the Act;

**domestic partner** means a person who is a domestic partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

**eligible rock lobster fishery licence** means a licence in respect of the Northern Zone Rock Lobster Fishery under which the holder may lawfully take aquatic resources specified in Schedule 1;

**giant crab** means giant crab (*Pseudocarcinus gigas*);

**King George whiting** means *Syllaginodes punctatus*;

**King George whiting fishing zone** has the same meaning as in the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*;

**Marine Scalefish Fishery** means the fishery of that name constituted by the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*;

**Mean High Water Springs** means the line representing the average of all high water observations at the time of spring tide over a period of 19 years;

**mesh net** has the same meaning as in the *Fisheries Management (General) Regulations 2017*;

**Northern Zone** means the waters adjacent to South Australia westerly of a line commencing at Mean High Water Springs closest to 35°37'03.86" South, 139°00'00.00" East, then southerly to 36°20'00.00" South, 139°00'00.00" East, then westerly to 36°20'00.00" South, 138°40'00.00" East, then southerly to 36°40'00.00" South, 138°40'00.00" East, then westerly to 36°40'00.00" South, 138°20'00.00" East, then southerly to 37°00'00.00" South, 138°20'00.00" East, then westerly to 37°00'00.00" South, 138°00'00.00" East;

**Northern Zone Inner Region** means those waters of the Northern Zone commencing at the intersection of Mean High Water Springs and 133°53'00" East, then to position 33°42'00" South, 133°53'00" East, then to position 34°44'00" South, 134°17'00" East, then to position 35°54'00" South, 136°23'50" East, then to position 36°05'00" South, 136°30'00" East, then to position 36°30'00" South, 137°19'00" East, then to position 36°30'00" South, 138°40'00" East, then to position 36°20'00" South, 138°40'00" East, then to position 36°20'00" South, 139°00'00" East, then north along the meridian of longitude 139°00'00" East to the intersection of Mean High Water Springs, then following Mean High Water Springs in the generally west, north-westerly direction to the intersection with the point of commencement;

**Northern Zone Outer Region** means the waters of the Northern Zone that are not within the Northern Zone Inner Region;

**Northern Zone Region or Region** means the Northern Zone Inner Region or the Northern Zone Outer Region;

**prescribed Victorian licence** means a Victorian licence that is held by the holder of a licence in respect of the Southern Zone Rock Lobster Fishery as a result of a transfer made before 28 June 1990;

**revoked regulations** means the *Fisheries Management (Rock Lobster Fisheries) Regulations 2006*;

**rock lobster** means Southern Rock Lobster (*Jasus edwardsii*);

**rock lobster fishery** means—

- (a) the Northern Zone Rock Lobster Fishery; or
- (b) the Southern Zone Rock Lobster Fishery,

constituted by these regulations;

**rock lobster pot** means a fish trap designed and constructed for the purpose of taking rock lobster;

**rock lobster pot entitlement** means the maximum number of rock lobster pots that the holder of a licence in respect of a rock lobster fishery may lawfully use at any 1 time for the purpose of taking rock lobster under the licence;

**snapper** means *Chrysophrys auratus*;

**snapper fishing zone** has the same meaning as in the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*;

**South Australian licence** means a licence in respect of the Southern Zone Rock Lobster Fishery;

**South East Fishing Zone** has the same meaning as in the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*;

**southern calamari** means *Sepioteuthis australis*;

**southern calamari fishing zone** has the same meaning as in the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*;

**southern garfish** means *Hyporhamphus melanochir*;

**southern garfish fishing zone** has the same meaning as in the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*;

**Southern Zone** means the waters adjacent to South Australia easterly of a line commencing at Mean High Water Springs closest to 35°37'03.86" South, 139°00'00.00" East, then southerly to 36°20'00.00" South, 139°00'00.00" East, then westerly to 36°20'00.00" South, 138°40'00.00" East, then southerly to 36°40'00.00" South, 138°40'00.00" East, then westerly to 36°40'00.00" South, 138°20'00.00" East, then southerly to 37°00'00.00" South, 138°20'00.00" East, then westerly to 37°00'00.00" South, 138°00'00.00" East;

**spouse**—a person is the spouse of another if they are legally married;

**Victorian licence** means a licence, permit, authority or other entitlement that authorises the holder to take aquatic resources for sale from waters of the State of Victoria that are adjacent to or adjoin the Southern Zone;

**vongole** means any mollusc of the genus *Katelysia*.

- (2) In these regulations, unless the contrary intention appears, *company*, *director*, *proprietary company* and *public company* have the same respective meanings as in the Corporations Act.
- (3) In these regulations—
  - (a) all lines in spatial descriptions are geodesics based on the Geocentric Datum of Australia 1994 (**GDA94**) as defined in the Commonwealth of Australia Gazette GN35 of 6 September 1995, and all coordinates are expressed in terms of GDA94;
  - (b) common and scientific fish names are given according to AS5300—2019 *Australian Fish Names Standard* published by the Fisheries Research & Development Corporation, as in force from time to time;
  - (c) a reference to the *taking of aquatic resources* includes a reference to an act preparatory to, or involved in, the taking of the aquatic resources.

#### **4—Constitution of fisheries**

- (1) The following fisheries are constituted:
  - (a) the Northern Zone Rock Lobster Fishery;
  - (b) the Southern Zone Rock Lobster Fishery.
- (2) The Northern Zone Rock Lobster Fishery consists of—
  - (a) the taking of rock lobster in the waters of the Northern Zone; and
  - (b) the taking of aquatic resources specified in Schedule 1 Part 1 in the waters of the Northern Zone; and
  - (c) the taking of aquatic resources specified in Schedule 1 Part 2 in the waters of the Northern Zone for the purpose of bait.
- (3) The Southern Zone Rock Lobster Fishery consists of—
  - (a) the taking of rock lobster in the waters of the Southern Zone; and
  - (b) the taking of aquatic resources specified in Schedule 1 Part 1 in the waters of the Southern Zone; and
  - (c) the taking of aquatic resources specified in Schedule 1 Part 2 in the waters of the Southern Zone for the purpose of bait.

#### **5—Maximum number of licences that may be in force**

- (1) The maximum number of licences that may be in force in respect of the Northern Zone Rock Lobster Fishery is the number of licences in force in respect of that fishery immediately before the commencement of this regulation.
- (2) The maximum number of licences that may be in force in respect of the Southern Zone Rock Lobster Fishery is the number of licences in force in respect of that fishery immediately before the commencement of this regulation.

#### **6—Transfer of licence**

- (1) Licences in respect of a rock lobster fishery are transferable.

- (2) An application for consent to the transfer of a licence must be accompanied by—
  - (a) the licence to be transferred; and
  - (b) a form of return as required by regulation 27 completed by the holder of the licence up to the date of application; and
  - (c) if the transferee is a company—a current company extract relating to the transferee issued not more than 1 month immediately preceding the date of application.
- (3) The Minister may only consent to the transfer of a licence if satisfied as to the following:
  - (a) that any fees or other amounts payable in relation to the licence under the Act have been paid in full;
  - (b) that the licence to be transferred has not been suspended;
  - (c) that no proceedings alleging an offence against the Act are pending or likely to be commenced in the State against the holder of the licence;
  - (d) that the transfer is to 1 person only;
  - (e) if the transferee is a natural person, that the transferee is at least 15 years of age and is a fit and proper person to hold a licence in respect of a rock lobster fishery;
  - (f) if the transferee is a company, that each director of the company is a fit and proper person to be a director of a company that holds a licence in respect of a rock lobster fishery.

## **7—Registration**

- (1) An application by the holder of a licence in respect of a rock lobster fishery—
  - (a) to register a boat or device for use under the licence; or
  - (b) to register a person as a master of a boat that may be used under the licence,must be accompanied by the documents specified in the application form.
- (2) The Minister may only grant an application to register a boat for use under a licence in respect of a rock lobster fishery if satisfied that—
  - (a) no more than 1 other boat is registered for use under the licence; and
  - (b) the boat in respect of which the application is made is not already registered for use under a licence in respect of a rock lobster fishery.

## **8—Revocation of registration**

- (1) The Minister may, on application by the holder of a licence in respect of a rock lobster fishery, revoke the registration of—
  - (a) a boat or device used under the licence; or
  - (b) a person as a master of a boat that may be used under the licence.
- (2) An application for revocation of registration must—
  - (a) be made in a manner and form approved by the Minister; and

- (b) be completed in accordance with the instructions contained in the form; and
- (c) be accompanied by the documents specified in the application form.

### **9—Use of second registered boat**

- (1) If 2 boats are registered for use under a licence in respect of a rock lobster fishery, the holder of the licence must not use both boats, or cause, suffer or permit both boats to be used, at the same time for taking aquatic resources under the licence unless the use made of 1 of the boats is limited to the setting and retrieval of bait nets and mesh nets.  
Maximum penalty: \$5 000.
- (2) A second registered boat that is being used for the setting and retrieval of nets as referred to in subregulation (1) need not be in the charge of a registered master.

### **10—Restrictions on use of registered boat in Southern Zone**

- (1) A registered boat must not be used to take aquatic resources under a licence in respect of the Southern Zone Rock Lobster Fishery (the *Fishery*) on a particular day if the boat has already been used on that day to take aquatic resources under a Victorian licence.
- (2) If a registered boat is to be used to take aquatic resources under a licence in respect of the Fishery or a Victorian licence on a particular day, the Department must be notified in the manner and form, and at such times, as determined by the Minister under which licence the boat is to be on that day.
- (3) If a registered boat is used to take aquatic resources on 2 or more consecutive days under the same licence, subregulation (2) need only be complied with in relation to the first day.
- (4) While aquatic resources taken outside waters to which this Act applies are aboard a registered boat—
  - (a) the boat must not be used to take aquatic resources under a licence in respect of the Fishery; and
  - (b) any aquatic resources taken in the waters of the Fishery must not be stored on the boat.
- (5) If a provision of this regulation is contravened or not complied with, the registered owner of the registered boat is guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$315.

### **11—Obligation of registered master to notify Department of use of bait nets**

- (1) The Department must be notified, in the manner and form, and at such times, as determined by the Minister, of the information specified by the Minister in the determination before a bait net registered for use under a licence in respect of a rock lobster fishery is set in waters from a registered boat used under the licence.
- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the registered master of the registered boat is guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$315.

## 12—Restrictions on fishing activities during closed season

- (1) Unless the Minister has, by notice in the Gazette, made a determination to the contrary, the holder of a licence in respect of the Northern Zone Rock Lobster Fishery must not take rock lobster in the Northern Zone Inner Region during a closed season.

Maximum penalty:

- (a) for a first offence—\$10 000;
- (b) for a second offence—\$20 000;
- (c) for a third or subsequent offence—\$35 000.

Expiation fee: \$315.

- (2) Unless the Minister has, by notice in the Gazette, made a determination to the contrary, the holder of a licence in respect of the Northern Zone Rock Lobster Fishery must not set a rock lobster pot in the Northern Zone Inner Region during a closed season.

Maximum penalty:

- (a) for a first offence—\$10 000;
- (b) for a second offence—\$20 000;
- (c) for a third or subsequent offence—\$35 000.

Expiation fee: \$315.

- (3) Unless the Minister has, by notice in the Gazette, made a determination to the contrary, the holder of a licence in respect of the Southern Zone Rock Lobster Fishery must not take rock lobster in the Southern Zone during a closed season.

Maximum penalty:

- (a) for a first offence—\$10 000;
- (b) for a second offence—\$20 000;
- (c) for a third or subsequent offence—\$35 000.

Expiation fee: \$315.

- (4) Unless the Minister has, by notice in the Gazette, made a determination to the contrary, the holder of a licence in respect of the Southern Zone Rock Lobster Fishery must not set a rock lobster pot in the Southern Zone during a closed season.

Maximum penalty:

- (a) for a first offence—\$10 000;
- (b) for a second offence—\$20 000;
- (c) for a third or subsequent offence—\$35 000.

Expiation fee: \$315.

- (5) In this regulation—

***closed season*** means—

- (a) in relation to the Northern Zone Inner Region—the period commencing at 1800 hours on 31 May in any year and ending at 1200 hours on the following 1 November;



- (b) in relation to the Southern Zone—the period commencing at 1800 hours on 31 May in any year and ending at 0600 hours on the following 1 October.

#### **14—Rock lobster pot entitlements**

- (1) The Minister may impose or vary conditions on licences in respect of a rock lobster fishery fixing rock lobster pot entitlements as follows:
  - (a) a rock lobster pot entitlement may be fixed by condition of a licence but must—
    - (i) in the case of a licence in respect of the Northern Zone Rock Lobster Fishery—be not more than 100 and not less than 20;
    - (ii) in the case of a licence in respect of the Southern Zone Rock Lobster Fishery—be not more than 100 and not less than 40;
  - (b) the rock lobster pot entitlement fixed by any such condition of a licence must be the number endorsed on the licence as the rock lobster pot entitlement under the revoked regulations immediately before the commencement of these regulations subject to any subsequent variation made in accordance with this regulation;
  - (c) the rock lobster pot entitlements fixed by licence conditions as referred to in this regulation may be increased or decreased on the same proportionate basis for all licences (provided that where in relation to any licence the result of such proportionate variation would be a fractional entitlement, that fractional entitlement is increased to the next highest whole number) if the Minister is satisfied that it is appropriate to do so for the proper management of a rock lobster fishery;
  - (d) subject to paragraph (e), on joint application made to the Minister by the holders of any 2 licences in respect of the same fishery, the rock lobster pot entitlements under the licences may be varied so as to increase the entitlement under 1 of the licences and decrease the entitlement under the other by a corresponding number;
  - (e) a variation must not be made as referred to in paragraph (d) if it would result in the entitlement under 1 of the licences exceeding the upper limit referred to in paragraph (a);
  - (f) a variation must not be made as referred to in paragraph (d) if it would result in the entitlement under 1 of the licences falling below the lower limit referred to in paragraph (a) unless—
    - (i) the variation is expressed to apply only until the expiry of the quota period during which the variation is made; or
    - (ii) —
      - (A) the licence is surrendered to the Minister; and

- (B) if any boat registered for use under that licence is the subject of, is registered for use under, or is otherwise referred to in, a licence, permit, authority or other entitlement (other than a prescribed Victorian licence) to take aquatic resources granted under a law of the Commonwealth or a corresponding law—that other licence, permit, authority or entitlement is also surrendered;
  - (h) despite any other provisions of this regulation, a variation may be made in accordance with paragraph (c) in respect of the Northern Zone Rock Lobster Fishery despite the fact that it would result in the rock lobster pot entitlement under a licence falling below 20 and, in that event, the entitlement under that licence may, until the licence is transferred, continue to be fixed at a number less than 20 but may not be decreased subsequently.
- (1a) Despite any other provisions of this regulation, if the rock lobster pot entitlement under a licence in respect of the Southern Zone Rock Lobster Fishery was, immediately before the commencement of this subregulation, less than 40, the entitlement under that licence may continue to be fixed at a number less than 40 until—
  - (a) the licence is transferred to a person who is not a member of the licensee's family; or
  - (b) the rock lobster pot entitlement under the licence is increased to 40 or more by variation under subregulation (1)(d) (being a variation that applies beyond the quota period during which it is made).
- (1b) For the purposes of subregulation (1a), a person is a member of the licensee's family if the person is—
  - (a) the spouse or domestic partner of the licensee; or
  - (b) a parent or grandparent of the licensee; or
  - (c) a brother or sister, or half-brother or half-sister, of the licensee; or
  - (d) a child or grandchild of the licensee; or
  - (e) a child or grandchild of the spouse or domestic partner of the licensee.
- (2) An application to vary rock lobster pot entitlements must—
  - (a) be made in a manner and form approved by the Minister; and
  - (b) be completed in accordance with the instructions contained in the form; and
  - (c) be accompanied by—
    - (i) the documents specified in the application form; and
    - (ii) the prescribed fee.
- (3) The holder of a licence in respect of the Northern Zone Rock Lobster Fishery must not, for a commercial purpose, engage in a fishing activity of a class that constitutes the Fishery while the rock lobster pot entitlement under the licence is less than 20.  
Maximum penalty: \$5 000.  
Expiation fee: \$315.

- (4) The holder of a licence in respect of the Southern Zone Rock Lobster Fishery must not, for a commercial purpose, engage in a fishing activity of a class that constitutes the Fishery while the rock lobster pot entitlement under the licence is less than 40.  
Maximum penalty: \$5 000.  
Expiation fee: \$315.
- (4a) Subregulation (4) does not apply if—
- (a) the rock lobster pot entitlement under the licence is fixed at a number less than 40 pursuant to subregulation (1a); and
  - (b) the rock lobster pot entitlement under the licence is 30 or greater.
- (5) The Minister may impose conditions on licences in respect of a rock lobster fishery limiting the number of rock lobster pots that may be carried on boats and otherwise regulating the carrying of rock lobster pots on boats used for fishing activities under the licences.
- (6) If a court convicts the holder of a licence in respect of a rock lobster fishery of an offence of contravening a condition of the licence fixing a rock lobster pot entitlement, the court must make an order requiring the Minister to vary the conditions of the licence so as to reduce the rock lobster pot entitlement under the licence by 1 rock lobster pot for each rock lobster pot used in excess of the entitlement.

#### **14A—Use of rock lobster pots without escape gaps in Northern Zone**

- (1) The holder of a licence in respect of the Northern Zone Rock Lobster Fishery must not, without the written approval of the Minister, take rock lobster in the Northern Zone using a rock lobster pot that is not fitted with 2 escape gaps that comply with subregulation (4).  
Maximum penalty:  
  - (a) for a first offence—\$10 000;
  - (b) for a second offence—\$20 000;
  - (c) for a third or subsequent offence—\$35 000.Expiation fee: \$500.
- (2) An approval under subregulation (1)—
- (a) may be made subject to such conditions as the Minister thinks fit; and
  - (b) may, at any time, be varied or revoked by the Minister (including by varying or revoking a condition of the approval or imposing a further condition).
- (3) A person must not contravene a condition of the approval.  
Maximum penalty:  
  - (a) for a first offence—\$10 000;
  - (b) for a second offence—\$20 000;
  - (c) for a third or subsequent offence—\$35 000.Expiation fee: \$500.
- (4) Escape gaps must—
- (a) be as near as practicable to 180° apart; and

- (b) be kept free of obstructions at all times; and
- (c) be not less than 5.7 centimetres high and 28 centimetres wide; and
- (d) be not more than 11 centimetres above the base of the pot at their highest point.

## 15—Individual rock lobster catch quota system—Northern Zone

- (1) In this regulation—

***fishery*** means the Northern Zone Rock Lobster Fishery;

***following quota period***, in relation to a first quota period and the holder of a licence in respect of the fishery, means the next quota period during which rock lobster may be taken by the holder of the licence following the first quota period;

***quota period*** means a period of 12 months commencing on 1 November;

***quota period 2019-2020*** means the quota period ending on 31 October 2020;

***quota period 2020-2021*** means the quota period ending on 31 October 2021;

***quota period 2021-2022*** means the quota period ending on 31 October 2022;

***quota period 2022-2023*** means the quota period ending on 31 October 2023;

***rock lobster quota entitlement*** or ***quota entitlement***, in relation to a licence in respect of the fishery and a Northern Zone Region, means the maximum number of kilograms of rock lobster that may be lawfully taken by the holder of the licence in that Region during a quota period, being the product of—

- (a) the unit entitlement under the licence in respect of that Region; and
- (b) the unit value for the Region and that quota period,

subject to any variation applying during that quota period;

***unit entitlement*** means the number of rock lobster units for the time being allocated to a licence in respect of the fishery for a Northern Zone Region.

- (2) The Minister must determine the number of kilograms of rock lobster that is to be the value of a rock lobster unit for a Northern Zone Region and each quota period.
- (3) The Minister may impose or vary conditions on licences in respect of the fishery fixing rock lobster quota entitlements as follows:
  - (a) subject to subregulation (4), on joint application made to the Minister by the holders of any 2 licences, the conditions of the licences may be varied so as to increase the unit entitlement under 1 of the licences in respect of a particular Northern Zone Region and decrease the unit entitlement under the other licence in respect of the same Northern Zone Region by a corresponding number of units;

- (ab) if the total catch of rock lobster taken by the holder of a licence in a particular Northern Zone Region during the quota period 2019-2020 is less than the rock lobster quota entitlement under the licence for that Region and that quota period, the Minister may vary the conditions of the licence so as to increase the quota entitlement in respect of that Region for the quota periods 2020-2021 and 2021-2022 by up to 1 kilogram of rock lobster for each kilogram by which the catch fell short of the rock lobster quota entitlement under the licence for the quota period 2019-2020;
- (ac) if the total catch of rock lobster taken by the holder of a licence in a particular Northern Zone Region during the quota period 2020-2021 is less than the rock lobster quota entitlement under the licence for that Region and that quota period, the Minister may vary the conditions of the licence so as to increase the quota entitlement in respect of that Region for the quota periods 2021-2022 and 2022-2023 by up to 1 kilogram of rock lobster for each kilogram by which the catch fell short of the rock lobster quota entitlement under the licence for the quota period 2020-2021;
- (b) if the total catch of rock lobster taken by the holder of a licence in respect of the fishery subject to a condition fixing a rock lobster quota entitlement in respect of a particular Northern Zone Region during a quota period (the ***first quota period***) (being a quota period that commenced on or after 1 November 2021) is less than the rock lobster quota entitlement under the licence for that Region and that quota period, the Minister may vary the conditions of the licence so as to increase the rock lobster quota entitlement in respect of that Region for the following quota period (the ***subsequent quota period***) by 1 kilogram of rock lobster for each kilogram by which the catch fell short of the rock lobster quota entitlement for the first quota period up to—
  - (i) —
    - (A) 10% of the quota entitlement for the first quota period; or
    - (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the subsequent quota period; or
  - (ii) if the Minister is satisfied that exceptional circumstances apply—
    - (A) a percentage that exceeds 10% of the quota entitlement for the first quota period; or
    - (B) such other greater kilogram amount of catch, as is determined by the Minister on or before the commencement of the subsequent quota period;

- (c) if the total catch of rock lobster taken by the holder of a licence in respect of the fishery subject to a condition fixing a rock lobster quota entitlement in respect of a particular Northern Zone Region during a quota period (the *first quota period*) (being a quota period that commences on or after 1 November 2022) exceeded the rock lobster quota entitlement under the licence for that Region and that quota period, the conditions of the licence may be varied so as to decrease the quota entitlement in respect of that Region for the following quota period (the *subsequent quota period*) as follows:
  - (i) if the catch exceeded the quota entitlement by—
    - (A) an amount not exceeding 10% of the quota entitlement for the first quota period; or
    - (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the first quota period,by 1 kilogram of rock lobster for each kilogram taken in excess of the quota entitlement; or
  - (ii) if the catch exceeded the quota entitlement by—
    - (A) an amount greater than 10% of the quota entitlement for the first quota period; or
    - (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the first quota period,by 2 kilograms of rock lobster for each kilogram taken in excess of the quota entitlement.
- (3a) In determining whether to vary the conditions of a licence under subregulation (3)(ab) so as to increase the rock lobster quota entitlement under the licence for a particular Northern Zone Region and the quota period 2021-2022, the Minister must take into account—
  - (a) the total catch of rock lobster taken by the holder of the licence in that Region during the quota period 2020-2021; and
  - (b) any increase in the rock lobster quota entitlement under that licence in respect of that Region for the quota period 2020-2021.
- (3b) In determining whether to vary the conditions of a licence under subregulation (3)(ac) so as to increase the rock lobster quota entitlement under the licence for a particular Northern Zone Region and the quota period 2022-2023, the Minister must take into account—
  - (a) the total catch of rock lobster taken by the holder of the licence in that Region during the quota period 2021-2022; and
  - (b) any increase in the rock lobster quota entitlement under that licence in respect of that Region for the quota period 2021-2022.

- (4) For the purposes of—
- (a) subregulation (3)(b)(i) and (ii); and
  - (b) subregulation (3)(c)(i) and (ii),
- the following must be disregarded:
- (c) any increase in the quota entitlement under a licence applying during a first quota period as a result of a variation of the quota entitlement under the licence made under subregulation (3)(ab) or (ac);
  - (d) any increase in the quota entitlement under a licence applying during a first quota period as a result of a variation of the quota entitlement under the licence previously made under subregulation (3)(b)(i) or (ii).
- (4a) A variation of a quota entitlement under subregulation (3)(b) or (c) must be expressed to apply only for the quota period during which the variation is made.
- (4b) An application under subregulation (3)(a) may not be made in respect of rock lobster units allocated to the licence under subregulation (3)(b).
- (5) An application to vary unit entitlements must—
- (a) be made in a manner and form approved by the Minister; and
  - (b) be completed in accordance with the instructions contained in the form; and
  - (c) be accompanied by—
    - (i) the documents specified in the application form; and
    - (ii) the prescribed fee.
- (6) The holder of a licence in respect of the fishery must not, for a commercial purpose—
- (a) take rock lobster in a Northern Zone Region while the number of rock lobster units allocated to the licence in respect of that Region is less than 320; or
  - (b) take aquatic resources of a kind specified in Schedule 1 in the waters of the fishery while the number of rock lobster units allocated to the licence in respect of the Northern Zone Inner Region is less than 320.

Maximum penalty: \$5 000.

Expiation fee: \$500.

## **16—Individual rock lobster catch quota system—Southern Zone**

- (1) In this regulation—

***the fishery*** means the Southern Zone Rock Lobster Fishery;

***following quota period***, in relation to a first quota period and the holder of a licence in respect of the fishery, means the next quota period during which rock lobster may be taken by the holder of the licence following the first quota period;

***quota period***—a quota period for the fishery means—

- (a) the period that commenced on 1 October 2019 and ends on 14 September 2020; or
- (b) the period commencing on 15 September 2020 and ending on 14 September 2021; or

- (c) the period that commenced on 15 September 2021 and ends on 31 August 2022; or
- (d) the period that commenced on 1 September 2022 and ends on 31 August 2023; or
- (e) the period of 12 months commencing on 1 September 2023 or on 1 September in any subsequent year;

**quota period 2020-2021** means the quota period ending on 14 September 2021;

**quota period 2021-2022** means the quota period ending on 31 August 2022;

**rock lobster quota entitlement** or **quota entitlement**, in relation to a licence in respect of the fishery, means the maximum number of kilograms of rock lobster that may be lawfully taken by the holder of the licence during a quota period, being the product of—

- (a) the unit entitlement under that licence; and
- (b) the unit value for the fishery and that quota period,

subject to any variation applying during that quota period;

**unit entitlement** means the number of rock lobster units for the time being allocated to a licence;

**unit value** means the number of kilograms of rock lobster determined by the Minister to be the value of a rock lobster unit for the fishery and a quota period.

- (2) The Minister must determine the number of kilograms of rock lobster that is to be the value of a rock lobster unit for the fishery and each quota period.
- (3) The Minister may impose or vary conditions on licences in respect of the fishery fixing rock lobster quota entitlements as follows:
  - (a) on joint application made to the Minister by the holders of any 2 licences, the conditions of the licences may be varied so as to increase the unit entitlement under 1 of the licences and decrease the unit entitlement under the other licence by a corresponding number of units;
  - (ac) if the total catch of rock lobster taken by the holder of a licence during the quota period 2020-2021 is less than the rock lobster quota entitlement under the licence for that quota period, the Minister may vary the conditions of the licence so as to increase the quota entitlement for the quota period 2021-2022 by up to 1 kilogram of rock lobster for each kilogram by which the catch fell short of the rock lobster quota entitlement under the licence for the quota period 2020-2021;
  - (b) if the total catch of rock lobster taken by the holder of a licence in respect of the fishery subject to a condition fixing a rock lobster quota entitlement during a quota period (the **first quota period**) (being a quota period that commenced on or after 15 September 2021) is less than the rock lobster quota entitlement under the licence for that quota period, the Minister may vary the conditions of the licence so as to increase the rock lobster quota entitlement for the following quota period (the **subsequent quota period**) by 1 kilogram of rock lobster for each kilogram by which the catch fell short of the rock lobster quota entitlement for the first quota period up to—



- (i) —
    - (A) 10% of the quota entitlement for the first quota period; or
    - (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the subsequent quota period; or
  - (ii) if the Minister is satisfied that exceptional circumstances apply—
    - (A) a percentage that exceeds 10% of the quota entitlement for the first quota period; or
    - (B) such other greater kilogram amount of catch, as is determined by the Minister on or before the commencement of the subsequent quota period;
  - (c) if the total catch of rock lobster taken by the holder of a licence in respect of the fishery subject to a condition fixing a rock lobster quota entitlement during a quota period (the **first quota period**) (being a quota period that commences on or after 1 September 2022) exceeded the rock lobster quota entitlement under the licence for that quota period, the conditions of the licence may be varied so as to decrease the quota entitlement for the following quota period (the **subsequent quota period**) as follows:
    - (i) if the catch exceeded the quota entitlement by—
      - (A) an amount not exceeding 10% of the quota entitlement for the first quota period; or
      - (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the first quota period,by 1 kilogram of rock lobster for each kilogram taken in excess of the quota entitlement; or
    - (ii) if the catch exceeded the quota entitlement by—
      - (A) an amount greater than 10% of the quota entitlement for the first quota period; or
      - (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the first quota period,by 2 kilograms of rock lobster for each kilogram taken in excess of the quota entitlement.
- (3a) For the purposes of—
- (a) subregulation (3)(b)(i) and (ii); and
  - (b) subregulation (3)(c)(i) and (ii),
- the following must be disregarded:

- (c) any increase in the quota entitlement under a licence applying during a first quota period as a result of a variation of the quota entitlement under the licence made under subregulation (3)(ac);
  - (d) any increase in the quota entitlement under a licence applying during a first quota period as a result of a variation of the quota entitlement under the licence previously made under subregulation (3)(b)(i) or (ii).
- (3b) A variation of a quota entitlement under subregulation (3)(b) or (c) must be expressed to apply only for the quota period during which the variation is made.
- (3c) An application under subregulation (3)(a) may not be made in respect of rock lobster units allocated to the licence under subregulation (3)(b).
- (4) An application to vary unit entitlements must—
  - (a) be made in a manner and form approved by the Minister; and
  - (b) be completed in accordance with the instructions contained in the form; and
  - (c) be accompanied by—
    - (i) the documents specified in the application form; and
    - (ii) the prescribed fee.

#### **16A—Individual giant crab catch quota system—Northern Zone**

- (1) In this regulation—

***following quota period***, in relation to a first quota period and the holder of a licence in respect of the Northern Zone Rock Lobster Fishery, means the next quota period during which giant crab may be taken by the holder of the licence following the first quota period;

***giant crab quota entitlement or quota entitlement***—

- (a) in relation to a licence in respect of the Northern Zone Rock Lobster Fishery—means the maximum number of kilograms of giant crab that may be lawfully taken by the holder of the licence during a quota period, being the product of—
  - (i) the unit entitlement under the licence; and
  - (ii) the unit value for the Fishery and that quota period,subject to any variation applying during that quota period;
- (b) in relation to a licence in respect of the Miscellaneous Fishery—has the same meaning as in regulation 9 of the *Fisheries Management (Miscellaneous Fishery) Regulations 2015*;

***Miscellaneous Fishery*** means the fishery of that name constituted by the *Fisheries Management (Miscellaneous Fishery) Regulations 2015*;

***quota period*** means a period of 12 months commencing on 1 November;

***unit entitlement***—

- (a) in relation to a licence in respect of the Northern Zone Rock Lobster Fishery—means the number of giant crab units for the time being allocated to the licence;

- (b) in relation to a licence in respect of the Miscellaneous Fishery—has the same meaning as in regulation 9 of the *Fisheries Management (Miscellaneous Fishery) Regulations 2015*;

**unit value** means the number of kilograms of giant crab determined by the Minister to be the value of a giant crab unit for the Northern Zone Rock Lobster Fishery and a quota period.

- (2) The Minister must determine the number of kilograms of giant crab that is to be the value of a giant crab unit for the Northern Zone Rock Lobster Fishery and each quota period.
- (3) The Minister may impose or vary conditions on licences in respect of the Northern Zone Rock Lobster Fishery or the Miscellaneous Fishery fixing giant crab quota entitlements as follows:
- (a) on joint application made to the Minister by the holders of any 2 licences in respect of the Northern Zone Rock Lobster Fishery subject to a condition fixing a giant crab quota entitlement, the conditions of the licences may be varied so as to increase the unit entitlement under 1 of the licences and decrease the unit entitlement under the other licence by a corresponding number of units;
- (b) on joint application made to the Minister by the holder of a licence in respect of the Northern Zone Rock Lobster Fishery subject to a condition fixing a giant crab quota entitlement (the **first licence**) and the holder of a licence in respect of the Miscellaneous Fishery subject to a condition fixing a giant crab quota entitlement in respect of the Northern Zone (the **second licence**)—
- (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under that licence and the conditions of the second licence may be varied so as to increase the unit entitlement under that licence in respect of the Northern Zone by a corresponding number of units; or
- (ii) the conditions of the first licence may be varied so as to increase the unit entitlement under that licence and the conditions of the second licence may be varied so as to decrease the unit entitlement under that licence in respect of the Northern Zone by a corresponding number of units;
- (c) if the total catch of giant crab taken by the holder of a licence in respect of the Northern Zone Rock Lobster Fishery subject to a condition fixing a giant crab quota entitlement during a quota period (the **first quota period**) (being a quota period that commenced on or after 1 November 2021) is less than the giant crab quota entitlement under the licence for that quota period, the Minister may vary the conditions of the licence so as to increase the giant crab quota entitlement for the following quota period (the **subsequent quota period**) by 1 kilogram of giant crab for each kilogram by which the catch fell short of the giant crab quota entitlement for the first quota period up to—
- (i) —
- (A) 10% of the quota entitlement for the first quota period; or

- (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the subsequent quota period; or
  - (ii) if the Minister is satisfied that exceptional circumstances apply—
    - (A) a percentage that exceeds 10% of the quota entitlement for the first quota period; or
    - (B) such other greater kilogram amount of catch, as is determined by the Minister on or before the commencement of the subsequent quota period;
  - (d) if the total catch of giant crab taken by the holder of a licence in respect of the Northern Zone Rock Lobster Fishery subject to a condition fixing a giant crab quota entitlement during a quota period (the ***first quota period***) (being a quota period that commences on or after 1 November 2022) exceeded the giant crab quota entitlement under the licence for that quota period, the conditions of the licence may be varied so as to decrease the quota entitlement for the following quota period (the ***subsequent quota period***) as follows:
    - (i) if the catch exceeded the quota entitlement by—
      - (A) an amount not exceeding 10% of the quota entitlement for the first quota period; or
      - (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the first quota period,by 1 kilogram of giant crab for each kilogram taken in excess of the quota entitlement; or
    - (ii) if the catch exceeded the quota entitlement by—
      - (A) an amount greater than 10% of the quota entitlement for the first quota period; or
      - (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the first quota period,by 2 kilograms of giant crab for each kilogram taken in excess of the quota entitlement.
- (3a) For the purposes of—
  - (a) subregulation (3)(c)(i) and (ii); and
  - (b) subregulation (3)(d)(i) and (ii),any increase in the quota entitlement under a licence applying during a first quota period as a result of a variation of the quota entitlement under the licence previously made under subregulation (3)(c)(i) or (ii) must be disregarded.

- (3b) A variation of a quota entitlement under subregulation (3)(c) or (d) must be expressed to apply only for the quota period during which the variation is made.
- (3c) An application under subregulation (3)(a) or (b)(i) may not be made in respect of giant crab units allocated to the licence under subregulation (3)(c).
- (4) An application to vary unit entitlements must—
  - (a) be made in a manner and form approved by the Minister; and
  - (b) be completed in accordance with the instructions contained in the form; and
  - (c) be accompanied by—
    - (i) the documents specified in the application form; and
    - (ii) the prescribed fee.

## 17—Individual giant crab catch quota system—Southern Zone

- (1) In this regulation—

***following quota period***, in relation to a first quota period and the holder of a licence in respect of the Southern Zone Rock Lobster Fishery, means the next quota period during which giant crab may be taken by the holder of the licence following the first quota period;

***giant crab quota entitlement*** or ***quota entitlement***—

- (a) in relation to a licence in respect of the Southern Zone Rock Lobster Fishery—means the maximum number of kilograms of giant crab that may be lawfully taken by the holder of the licence during a quota period, being the product of—
  - (i) the unit entitlement under the licence; and
  - (ii) the unit value for the Fishery and that quota period,
 subject to any variation applying during that quota period;
- (b) in relation to a licence in respect of the Miscellaneous Fishery—has the same meaning as in regulation 9A of the *Fisheries Management (Miscellaneous Fishery) Regulations 2015*;

***Miscellaneous Fishery*** means the fishery of that name constituted by the *Fisheries Management (Miscellaneous Fishery) Regulations 2015*;

***quota period*** means a period of 12 months commencing on 1 October;

***unit entitlement***—

- (a) in relation to a licence in respect of the Southern Zone Rock Lobster Fishery—means the number of giant crab units for the time being allocated to the licence;
- (b) in relation to a licence in respect of the Miscellaneous Fishery—has the same meaning as in regulation 9A of the *Fisheries Management (Miscellaneous Fishery) Regulations 2015*;

***unit value*** means the number of kilograms of giant crab determined by the Minister to be the value of a giant crab unit for the Southern Zone Rock Lobster Fishery and a quota period.

- (2) The Minister must determine the number of kilograms of giant crab that is to be the value of a giant crab unit for the Southern Zone Rock Lobster Fishery and each quota period.
- (3) The Minister may impose or vary conditions on licences in respect of the Southern Zone Rock Lobster Fishery or the Miscellaneous Fishery fixing giant crab quota entitlements as follows:
  - (a) on joint application made to the Minister by the holders of any 2 licences in respect of the Southern Zone Rock Lobster Fishery subject to a condition fixing a giant crab quota entitlement, the conditions of the licences may be varied so as to increase the unit entitlement under 1 of the licences and decrease the unit entitlement under the other licence by a corresponding number of units;
  - (b) on joint application made to the Minister by the holder of a licence in respect of the Southern Zone Rock Lobster Fishery subject to a condition fixing a giant crab quota entitlement (the *first licence*) and the holder of a licence in respect of the Miscellaneous Fishery subject to a condition fixing a giant crab quota entitlement in respect of the Southern Zone (the *second licence*)—
    - (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under that licence and the conditions of the second licence may be varied so as to increase the unit entitlement under that licence in respect of the Southern Zone by a corresponding number of units; or
    - (ii) the conditions of the first licence may be varied so as to increase the unit entitlement under that licence and the conditions of the second licence may be varied so as to decrease the unit entitlement under that licence in respect of the Southern Zone by a corresponding number of units;
  - (c) if the total catch of giant crab taken by the holder of a licence in respect of the Southern Zone Rock Lobster Fishery subject to a condition fixing a giant crab quota entitlement during a quota period (the *first quota period*) (being a quota period that commenced on or after 1 October 2021) is less than the giant crab quota entitlement under the licence for that quota period, the Minister may vary the conditions of the licence so as to increase the giant crab quota entitlement for the following quota period (the *subsequent quota period*) by 1 kilogram of giant crab for each kilogram by which the catch fell short of the giant crab quota entitlement for the first quota period up to—
    - (i) —
      - (A) 10% of the quota entitlement for the first quota period; or
      - (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the subsequent quota period; or
    - (ii) if the Minister is satisfied that exceptional circumstances apply—
      - (A) a percentage that exceeds 10% of the quota entitlement for the first quota period; or

- (B) such other greater kilogram amount of catch,  
as is determined by the Minister on or before the commencement of the subsequent quota period;
- (d) if the total catch of giant crab taken by the holder of a licence in respect of the Southern Zone Rock Lobster Fishery subject to a condition fixing a giant crab quota entitlement during a quota period (the *first quota period*) (being a quota period that commences on or after 1 October 2022) exceeded the giant crab quota entitlement under the licence for that quota period, the conditions of the licence may be varied so as to decrease the quota entitlement for the following quota period (the *subsequent quota period*) as follows:
  - (i) if the catch exceeded the quota entitlement by—
    - (A) an amount not exceeding 10% of the quota entitlement for the first quota period; or
    - (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the first quota period,  
by 1 kilogram of giant crab for each kilogram taken in excess of the quota entitlement; or
  - (ii) if the catch exceeded the quota entitlement by—
    - (A) an amount greater than 10% of the quota entitlement for the first quota period; or
    - (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the first quota period,  
by 2 kilograms of giant crab for each kilogram taken in excess of the quota entitlement.
- (3a) For the purposes of—
  - (a) subregulation (3)(c)(i) and (ii); and
  - (b) subregulation (3)(d)(i) and (ii),
 any increase in the quota entitlement under a licence applying during a first quota period as a result of a variation of the quota entitlement under the licence previously made under subregulation (3)(c)(i) or (ii) must be disregarded.
- (3b) A variation of a quota entitlement under subregulation (3)(c) or (d) must be expressed to apply only for the quota period during which the variation is made.
- (3c) An application under subregulation (3)(a) or (b)(i) may not be made in respect of giant crab units allocated to the licence under subregulation (3)(c).
- (4) An application to vary unit entitlements must—
  - (a) be made in a manner and form approved by the Minister; and
  - (b) be completed in accordance with the instructions contained in the form; and

- (c) be accompanied by—
  - (i) the documents specified in the application form; and
  - (ii) the prescribed fee.

## 17A—Individual King George whiting catch quota system

- (1) In this regulation—

***following quota period***, in relation to a first quota period and the holder of a licence in respect of a rock lobster fishery, means the next quota period during which King George whiting may be taken by the holder of the licence following the first quota period;

***King George whiting quota entitlement*** or ***quota entitlement***, in relation to a licence in respect of a rock lobster fishery or the Marine Scalefish Fishery and a King George whiting fishing zone, means the maximum number of kilograms of King George whiting that may be lawfully taken by the holder of the licence in that zone during a quota period, being the product of—

- (a) the unit entitlement under that licence in respect of that zone; and
- (b) the unit value for that zone and quota period,

subject to any variation applying during that quota period;

***quota period***—a quota period is a period of 12 months commencing on 1 July;

***quota period 2021-2022*** means the quota period commencing on 1 July 2021;

***unit entitlement***, in relation to a licence in respect of a rock lobster fishery or the Marine Scalefish Fishery and a King George whiting fishing zone, means the number of King George whiting units for the time being allocated to the licence in respect of that zone;

***unit value*** means the number of kilograms of King George whiting determined by the Minister to be the value of a King George whiting unit for a King George whiting fishing zone and a quota period.

- (2) The Minister must, by notice in the Gazette, on or before the commencement of the quota period 2021-2022—
  - (a) determine the total allowable commercial catch for that quota period for the Northern Zone Rock Lobster Fishery, the Southern Zone Rock Lobster Fishery and the Marine Scalefish Fishery and each King George whiting fishing zone; and
  - (b) determine the number of kilograms of King George whiting that is to be the value of a King George whiting unit for each King George whiting fishing zone and that quota period; and
  - (c) determine the methodology or formula by which King George whiting units are to be allocated to licences in respect of a rock lobster fishery on which a condition fixing a King George whiting quota entitlement is to be imposed (which may, without limitation, provide for or include a scheme for the allocation of additional King George whiting units on the basis of exceptional circumstances that apply to the holder of a licence, as determined by the Minister).



- (3) The Minister may vary or revoke a determination under subregulation (2) by further notice in the Gazette.
- (4) The Minister must, on or before the commencement of each quota period commencing after the quota period 2021-2022, determine the number of kilograms of King George whiting that is to be the value of a King George whiting unit for each King George whiting fishing zone and that quota period.
- (4a) The Minister may, after the commencement of a quota period, vary a determination under subregulation (4) to increase the value of a King George whiting unit in relation to a particular King George whiting fishing zone.
- (5) The Minister may impose or vary conditions on licences in respect of a rock lobster fishery or the Marine Scalefish Fishery fixing King George whiting quota entitlements as follows:
  - (a) a condition may be imposed on a licence in respect of a rock lobster fishery fixing a King George whiting quota entitlement;
  - (b) on joint application made to the Minister by the holders of any 2 licences in respect of the Northern Zone Rock Lobster Fishery subject to a condition fixing a King George whiting quota entitlement in respect of the same King George whiting fishing zone—the conditions of the licences may be varied so as to increase the unit entitlement under 1 of the licences in respect of that King George whiting fishing zone and decrease the unit entitlement under the other licence in respect of that zone by a corresponding number of units;
  - (c) on joint application made to the Minister by the holders of any 2 licences in respect of the Southern Zone Rock Lobster Fishery subject to a condition fixing a King George whiting quota entitlement in respect of the same King George whiting fishing zone—the conditions of the licences may be varied so as to increase the unit entitlement under 1 of the licences in respect of that King George whiting fishing zone and decrease the unit entitlement under the other licence in respect of that zone by a corresponding number of units;
  - (d) on joint application made to the Minister by the holder of a licence in respect of a rock lobster fishery subject to a condition fixing a King George whiting quota entitlement in respect of a particular King George whiting fishing zone (the *first licence*) and the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a King George whiting quota entitlement in respect of the same King George whiting fishing zone (the *second licence*)—
    - (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under the licence in respect of that zone; and
    - (ii) the conditions of the second licence may be varied so as to increase the unit entitlement under that licence in respect of that zone by a corresponding number of units;
  - (e) on joint application made to the Minister by the holder of a licence in respect of a rock lobster fishery subject to a condition fixing a King George whiting quota entitlement in respect of a particular King George whiting fishing zone (the *first licence*) and the holder of a licence in respect of the Marine Scalefish Fishery not subject to a condition fixing a King George whiting quota entitlement in respect of that zone (the *second licence*)—

- (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under that licence in respect of that zone; and
  - (ii) a corresponding number of units may be allocated to the second licence and a condition fixing a King George whiting quota entitlement in respect of that zone may be imposed on that licence;
- (f) if the total catch of King George whiting taken by the holder of a licence in respect of a rock lobster fishery subject to a condition fixing a King George whiting quota entitlement in respect of a particular King George whiting fishing zone during a quota period (the *first quota period*) (being a quota period that commenced on or after 1 July 2021) is less than the King George whiting quota entitlement under the licence for that fishing zone and that quota period, the Minister may vary the conditions of the licence so as to increase the King George whiting quota entitlement in respect of that fishing zone for the following quota period (the *subsequent quota period*) by 1 kilogram of King George whiting for each kilogram by which the catch fell short of the King George whiting quota entitlement for the first quota period up to—
  - (i) —
    - (A) 10% of the quota entitlement for the first quota period; or
    - (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the subsequent quota period; or
  - (ii) if the Minister is satisfied that exceptional circumstances apply—
    - (A) a percentage that exceeds 10% of the quota entitlement for the first quota period; or
    - (B) such other greater kilogram amount of catch, as is determined by the Minister on or before the commencement of the subsequent quota period;
- (g) if the total catch of King George whiting taken by the holder of a licence in respect of a rock lobster fishery subject to a condition fixing a King George whiting quota entitlement in respect of a particular King George whiting fishing zone during a quota period (the *first quota period*) (being a quota period that commences on or after 1 July 2022) exceeded the King George whiting quota entitlement under the licence for that fishing zone and that quota period, the conditions of the licence may be varied so as to decrease the quota entitlement in respect of that fishing zone for the following quota period (the *subsequent quota period*) as follows:
  - (i) if the catch exceeded the quota entitlement by—
    - (A) an amount not exceeding 10% of the quota entitlement for the first quota period; or

- (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the first quota period,

by 1 kilogram of King George whiting for each kilogram taken in excess of the quota entitlement; or

- (ii) if the catch exceeded the quota entitlement by—
  - (A) an amount greater than 10% of the quota entitlement for the first quota period; or
  - (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the first quota period,

by 2 kilograms of King George whiting for each kilogram taken in excess of the quota entitlement.
- (5a) For the purposes of—
  - (a) subregulation (5)(f)(i) and (ii)); and
  - (b) subregulation (5)(g)(i) and (ii),

any increase in the quota entitlement under a licence applying during a first quota period as a result of a variation of the quota entitlement under the licence previously made under subregulation (5)(f)(i) or (ii) must be disregarded.
- (5b) A variation of a quota entitlement under subregulation (5)(f) or (g) must be expressed to apply only for the quota period during which the variation is made.
- (5c) An application under subregulation (5)(b), (c), (d) or (e) may not be made in respect of King George whiting units allocated to the licence under subregulation (5)(f).
- (6) If a variation of a unit entitlement is to have effect only for the balance of the quota period during which the variation is made, the variation must be expressed to have such effect.
- (7) An application to vary unit entitlements must—
  - (a) be made in a manner and form approved by the Minister; and
  - (b) be completed in accordance with the instructions contained in the form; and
  - (c) be accompanied by the prescribed fee.

## 17B—Individual snapper catch quota system

- (1) In this regulation—
 

***following quota period***, in relation to a first quota period and the holder of a licence in respect of a rock lobster fishery, means the next quota period during which snapper may be taken by the holder of the licence following the first quota period;

***quota period***—a quota period is a period of 12 months commencing on 1 July;

***quota period 2021-2022*** means the quota period commencing on 1 July 2021;

**snapper quota entitlement** or **quota entitlement**, in relation to a licence in respect of a rock lobster fishery or the Marine Scalefish Fishery and a snapper fishing zone, means the maximum number of kilograms of snapper that may be lawfully taken by the holder of the licence in that zone during a quota period, being the product of—

- (a) the unit entitlement under that licence in respect of that zone; and
- (b) the unit value for that zone and quota period,

subject to any variation applying during that quota period;

**unit entitlement**, in relation to a licence under a rock lobster fishery or the Marine Scalefish Fishery and a snapper fishing zone, means the number of snapper units for the time being allocated to the licence in respect of that zone;

**unit value** means the number of kilograms of snapper determined by the Minister to be the value of a snapper unit for a snapper fishing zone and a quota period.

- (2) The Minister must, by notice in the Gazette, on or before the commencement of the quota period 2021-2022—
  - (a) determine the total allowable commercial catch for that quota period for the Northern Zone Rock Lobster Fishery, the Southern Zone Rock Lobster Fishery and the Marine Scalefish Fishery and each snapper fishing zone; and
  - (b) determine the number of kilograms of snapper that is to be the value of a snapper unit for each snapper fishing zone and that quota period; and
  - (c) determine the methodology or formula by which snapper units are to be allocated to licences in respect of a rock lobster fishery on which a condition fixing a snapper quota entitlement is to be imposed (which may, without limitation, provide for or include a scheme for the allocation of additional snapper units on the basis of exceptional circumstances that apply to the holder of a licence, as determined by the Minister).
- (3) The Minister may vary or revoke a determination under subregulation (2) by further notice in the Gazette.
- (4) The Minister must, on or before the commencement of each quota period commencing after the quota period 2021-2022, determine the number of kilograms of snapper that is to be the value of a snapper unit for each snapper fishing zone and that quota period.
- (4a) The Minister may, after the commencement of a quota period, vary a determination under subregulation (4) to increase the value of a snapper unit in relation to a particular snapper fishing zone.
- (5) The Minister may impose or vary conditions on licences in respect of a rock lobster fishery or the Marine Scalefish Fishery fixing snapper quota entitlements as follows:
  - (a) a condition may be imposed on a licence in respect of a rock lobster fishery fixing a snapper quota entitlement;
  - (b) on joint application made to the Minister by the holders of any 2 licences in respect of a Northern Zone Rock Lobster Fishery subject to a condition fixing a snapper quota entitlement in respect of the same snapper fishing zone—the conditions of the licences may be varied so as to increase the unit entitlement under 1 of the licences in respect of that snapper fishing zone and decrease the unit entitlement under the other licence in respect of that zone by a corresponding number of units;

- (c) on joint application made to the Minister by the holders of any 2 licences in respect of a Southern Zone Rock Lobster Fishery subject to a condition fixing a snapper quota entitlement in respect of the same snapper fishing zone—the conditions of the licences may be varied so as to increase the unit entitlement under 1 of the licences in respect of that snapper fishing zone and decrease the unit entitlement under the other licence in respect of that zone by a corresponding number of units;
- (d) on joint application made to the Minister by the holder of a licence in respect of the Northern Zone Rock Lobster Fishery subject to a condition fixing a snapper quota entitlement in respect of the South East Fishing Zone and the holder of a licence in respect of the Southern Zone Rock Lobster Fishery subject to a condition fixing a snapper quota entitlement in respect of that Zone—the conditions of the licences may be varied so as to increase the unit entitlement under 1 of the licences in respect of the South East Fishing Zone and decrease the unit entitlement under the other licence in respect of that Zone by a corresponding number of units;
- (e) on joint application made to the Minister by the holder of a licence in respect of a rock lobster fishery subject to a condition fixing a snapper quota entitlement in respect of a particular snapper fishing zone (the *first licence*) and the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a snapper quota entitlement in respect of the same snapper fishing zone (the *second licence*)—
  - (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under the licence in respect of that zone; and
  - (ii) the conditions of the second licence may be varied so as to increase the unit entitlement under that licence in respect of that zone by a corresponding number of units;
- (f) on joint application made to the Minister by the holder of a licence in respect of a rock lobster fishery subject to a condition fixing a snapper quota entitlement in respect of a particular snapper fishing zone (the *first licence*) and the holder of a licence in respect of the Marine Scalefish Fishery not subject to a condition fixing a snapper quota entitlement in respect of that zone (the *second licence*)—
  - (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under that licence in respect of that zone; and
  - (ii) a corresponding number of units may be allocated to the second licence and a condition fixing a snapper quota entitlement in respect of that zone may be imposed on that licence;

- (g) if the total catch of snapper taken by the holder of a licence in respect of a rock lobster fishery subject to a condition fixing a snapper quota entitlement in respect of a particular snapper fishing zone during a quota period (the ***first quota period***) (being a quota period that commenced on or after 1 July 2021) is less than the snapper quota entitlement under the licence for that fishing zone and that quota period, the Minister may vary the conditions of the licence so as to increase the snapper quota entitlement in respect of that fishing zone for the following quota period (the ***subsequent quota period***) by 1 kilogram of snapper for each kilogram by which the catch fell short of the snapper quota entitlement for the first quota period up to—
- (i) —
    - (A) 10% of the quota entitlement for the first quota period; or
    - (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the subsequent quota period; or
  - (ii) if the Minister is satisfied that exceptional circumstances apply—
    - (A) a percentage that exceeds 10% of the quota entitlement for the first quota period; or
    - (B) such other greater kilogram amount of catch, as is determined by the Minister on or before the commencement of the subsequent quota period;
- (h) if the total catch of snapper taken by the holder of a licence in respect of a rock lobster fishery subject to a condition fixing a snapper quota entitlement in respect of a particular snapper fishing zone during a quota period (the ***first quota period***) (being a quota period that commences on or after 1 July 2022) exceeded the snapper quota entitlement under the licence for that fishing zone and that quota period, the conditions of the licence may be varied so as to decrease the quota entitlement in respect of that fishing zone for the following quota period (the ***subsequent quota period***) as follows:
- (i) if the catch exceeded the quota entitlement by—
    - (A) an amount not exceeding 10% of the quota entitlement for the first quota period; or
    - (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the first quota period,by 1 kilogram of snapper for each kilogram taken in excess of the quota entitlement; or
  - (ii) if the catch exceeded the quota entitlement by—
    - (A) an amount greater than 10% of the quota entitlement for the first quota period; or

- (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the first quota period,

by 2 kilograms of snapper for each kilogram taken in excess of the quota entitlement.

(5a) For the purposes of—

- (a) subregulation (5)(g)(i) and (ii); and
- (b) subregulation (5)(h)(i) and (ii),

any increase in the quota entitlement under a licence applying during a first quota period as a result of a variation of the quota entitlement under the licence previously made under subregulation (5)(g)(i) or (ii) must be disregarded.

- (5b) A variation of a quota entitlement under subregulation (5)(g) or (h) must be expressed to apply only for the quota period during which the variation is made.
- (5c) An application under subregulation (5)(b), (c), (d), (e) or (f) may not be made in respect of snapper units allocated to the licence under subregulation (5)(g).
- (6) If a variation of a unit entitlement is to have effect only for the balance of the quota period during which the variation is made, the variation must be expressed to have such effect.
- (7) An application to vary unit entitlements must—
  - (a) be made in a manner and form approved by the Minister; and
  - (b) be completed in accordance with the instructions contained in the form; and
  - (c) be accompanied by the prescribed fee.

## 17C—Individual southern calamari catch quota system

(1) In this regulation—

***following quota period***, in relation to a first quota period and the holder of a licence in respect of a rock lobster fishery, means the next quota period during which southern calamari may be taken by the holder of the licence following the first quota period;

***quota period***—a quota period is a period of 12 months commencing on 1 July;

***quota period 2021-2022*** means the quota period commencing on 1 July 2021;

***southern calamari quota entitlement*** or ***quota entitlement***, in relation to a licence in respect of a rock lobster fishery or the Marine Scalefish Fishery and a southern calamari fishing zone, means the maximum number of kilograms of southern calamari that may be lawfully taken by the holder of the licence in that zone during a quota period, being the product of—

- (a) the unit entitlement under that licence in respect of that zone; and
- (b) the unit value for that zone and quota period,

subject to any variation applying during that quota period;

***unit entitlement***, in relation to a licence in respect of a rock lobster fishery or the Marine Scalefish Fishery and a southern calamari fishing zone means the number of southern calamari units for the time being allocated to the licence in respect of that zone;

***unit value*** means the number of kilograms of southern calamari determined by the Minister to be the value of a southern calamari unit for a southern calamari fishing zone and a quota period.

- (2) The Minister must, by notice in the Gazette, on or before the commencement of the quota period 2021-2022—
  - (a) determine the total allowable commercial catch for that quota period for the Northern Zone Rock Lobster Fishery, the Southern Zone Rock Lobster Fishery and the Marine Scalefish Fishery and each southern calamari fishing zone; and
  - (b) determine the number of kilograms of southern calamari that is to be the value of a southern calamari unit for each southern calamari fishing zone and that quota period; and
  - (c) determine the methodology or formula by which southern calamari units are to be allocated to licences in respect of a rock lobster fishery on which a condition fixing a southern calamari quota entitlement is to be imposed (which may, without limitation, provide for or include a scheme for the allocation of additional southern calamari units on the basis of exceptional circumstances that apply to the holder of a licence, as determined by the Minister).
- (3) The Minister may vary or revoke a determination under subregulation (2) by further notice in the Gazette.
- (4) The Minister must, on or before the commencement of each quota period commencing after the quota period 2021-2022, determine the number of kilograms of southern calamari that is to be the value of a southern calamari unit for each southern calamari fishing zone and that quota period.
- (4a) The Minister may, after the commencement of a quota period, vary a determination under subregulation (4) to increase the value of a southern calamari unit in relation to a particular southern calamari fishing zone.
- (5) The Minister may impose or vary conditions on licences in respect of a rock lobster fishery or the Marine Scalefish Fishery fixing southern calamari quota entitlements as follows:
  - (a) a condition may be imposed on a licence in respect of a rock lobster fishery fixing a southern calamari quota entitlement;
  - (b) on joint application made to the Minister by the holders of any 2 licences in respect of the Northern Zone Rock Lobster Fishery subject to a condition fixing a southern calamari quota entitlement in respect of the same southern calamari fishing zone—the conditions of the licences may be varied so as to increase the unit entitlement under 1 of the licences in respect of that southern calamari fishing zone and decrease the unit entitlement under the other licence in respect of that zone by a corresponding number of units;



- (c) on joint application made to the Minister by the holders of any 2 licences in respect of the Southern Zone Rock Lobster Fishery subject to a condition fixing a southern calamari quota entitlement in respect of the same southern calamari fishing zone—the conditions of the licences may be varied so as to increase the unit entitlement under 1 of the licences in respect of that southern calamari fishing zone and decrease the unit entitlement under the other licence in respect of that zone by a corresponding number of units;
- (d) on joint application made to the Minister by the holder of a licence in respect of a rock lobster fishery subject to a condition fixing a southern calamari quota entitlement in respect of a particular southern calamari fishing zone (the *first licence*) and the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a southern calamari quota entitlement in respect of the same southern calamari fishing zone (the *second licence*)—
  - (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under the licence in respect of that zone; and
  - (ii) the conditions of the second licence may be varied so as to increase the unit entitlement under that licence in respect of that zone by a corresponding number of units;
- (e) on joint application made to the Minister by the holder of a licence in respect of a rock lobster fishery subject to a condition fixing a southern calamari quota entitlement in respect of a particular southern calamari fishing zone (the *first licence*) and the holder of a licence in respect of the Marine Scalefish Fishery not subject to a condition fixing a southern calamari quota entitlement in respect of that zone (the *second licence*)—
  - (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under that licence in respect of that zone; and
  - (ii) a corresponding number of units may be allocated to the second licence and a condition fixing a southern calamari quota entitlement in respect of that zone may be imposed on that licence;
- (f) if the total catch of southern calamari taken by the holder of a licence in respect of a rock lobster fishery subject to a condition fixing a southern calamari quota entitlement in respect of a particular southern calamari fishing zone during a quota period (the *first quota period*) (being a quota period that commenced on or after 1 July 2021) is less than the southern calamari quota entitlement under the licence for that fishing zone and that quota period, the Minister may vary the conditions of the licence so as to increase the southern calamari quota entitlement in respect of that fishing zone for the following quota period (the *subsequent quota period*) by 1 kilogram of southern calamari for each kilogram by which the catch fell short of the southern calamari quota entitlement for the first quota period up to—
  - (i) —
    - (A) 10% of the quota entitlement for the first quota period; or
    - (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the subsequent quota period; or

- (ii) if the Minister is satisfied that exceptional circumstances apply—
    - (A) a percentage that exceeds 10% of the quota entitlement for the first quota period; or
    - (B) such other greater kilogram amount of catch,  
as is determined by the Minister on or before the commencement of the subsequent quota period;
  - (g) if the total catch of southern calamari taken by the holder of a licence in respect of a rock lobster fishery subject to a condition fixing a southern calamari quota entitlement in respect of a particular southern calamari fishing zone during a quota period (the ***first quota period***) (being a quota period that commences on or after 1 July 2022) exceeded the southern calamari quota entitlement under the licence for that fishing zone and that quota period, the conditions of the licence may be varied so as to decrease the quota entitlement in respect of that fishing zone for the following quota period (the ***subsequent quota period***) as follows:
    - (i) if the catch exceeded the quota entitlement by—
      - (A) an amount not exceeding 10% of the quota entitlement for the first quota period; or
      - (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the first quota period,  
by 1 kilogram of southern calamari for each kilogram taken in excess of the quota entitlement; or
    - (ii) if the catch exceeded the quota entitlement by—
      - (A) an amount greater than 10% of the quota entitlement for the first quota period; or
      - (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the first quota period,  
by 2 kilograms of southern calamari for each kilogram taken in excess of the quota entitlement.
- (5a) For the purposes of—
  - (a) subregulation (5)(f)(i) and (ii); and
  - (b) subregulation (5)(g)(i) and (ii),any increase in the quota entitlement under a licence applying during a first quota period as a result of a variation of the quota entitlement under the licence previously made under subregulation (5)(f)(i) or (ii) must be disregarded.
- (5b) A variation of a quota entitlement under subregulation (5)(f) or (g) must be expressed to apply only for the quota period during which the variation is made.

- (5c) An application under subregulation (5)(b), (c), (d) or (e) may not be made in respect of southern calamari units allocated to the licence under subregulation (5)(f).
- (6) If a variation of a unit entitlement is to have effect only for the balance of the quota period during which the variation is made, the variation must be expressed to have such effect.
- (7) An application to vary unit entitlements must—
  - (a) be made in a manner and form approved by the Minister; and
  - (b) be completed in accordance with the instructions contained in the form; and
  - (c) be accompanied by the prescribed fee.

## 17D—Individual southern garfish catch quota system

- (1) In this regulation—
 

***following quota period***, in relation to a first quota period and the holder of a licence in respect of a rock lobster fishery, means the next quota period during which southern garfish may be taken by the holder of the licence following the first quota period;

***quota period***—a quota period is a period of 12 months commencing on 1 July;

***quota period 2021-2022*** means the quota period commencing on 1 July 2021;

***southern garfish quota entitlement* or *quota entitlement***, in relation to a licence in respect of a rock lobster licence or the Marine Scalefish Fishery and a southern garfish fishing zone, means the maximum number of kilograms of southern garfish that may be lawfully taken by the holder of the licence in that zone during a quota period, being the product of—

  - (a) the unit entitlement under that licence in respect of that zone; and
  - (b) the unit value for that zone and quota period,

subject to any variation applying during that quota period;

***unit entitlement***, in relation to a licence in respect of a rock lobster fishery or the Marine Scalefish Fishery and a southern garfish fishing zone, means the number of southern garfish units for the time being allocated to the licence in respect of that zone;

***unit value*** means the number of kilograms of southern garfish determined by the Minister to be the value of a southern garfish unit for a southern garfish fishing zone and a quota period.
- (2) The Minister must, by notice in the Gazette, on or before the commencement of the quota period 2021-2022—
  - (a) determine the total allowable commercial catch for that quota period for the Northern Zone Rock Lobster Fishery, the Southern Zone Rock Lobster Fishery and the Marine Scalefish Fishery and each southern garfish fishing zone; and
  - (b) determine the number of kilograms of southern garfish that is to be the value of a southern garfish unit for each southern garfish fishing zone and that quota period; and

- (c) determine the methodology or formula by which southern garfish units are to be allocated to licences in respect of a rock lobster fishery on which a condition fixing a southern garfish quota entitlement is to be imposed (which may, without limitation, provide for or include a scheme for the allocation of additional southern garfish units on the basis of exceptional circumstances that apply to the holder of a licence, as determined by the Minister).
- (3) The Minister may vary or revoke a determination under subregulation (2) by further notice in the Gazette.
- (4) The Minister must, on or before the commencement of each quota period commencing after the quota period 2021-2022, determine the number of kilograms of southern garfish that is to be the value of a southern garfish unit for each southern garfish fishing zone and that quota period.
- (4a) The Minister may, after the commencement of a quota period, vary a determination under subregulation (4) to increase the value of a southern garfish unit in relation to a particular southern garfish fishing zone.
- (5) The Minister may impose or vary conditions on licences in respect of a rock lobster fishery or the Marine Scalefish Fishery fixing southern garfish quota entitlements as follows:
  - (a) a condition may be imposed on a licence in respect of a rock lobster fishery fixing a southern garfish quota entitlement;
  - (b) on joint application made to the Minister by the holders of any 2 licences in respect of the Northern Zone Rock Lobster Fishery subject to a condition fixing a southern garfish quota entitlement in respect of the same southern garfish fishing zone—the conditions of the licences may be varied so as to increase the unit entitlement under 1 of the licences in respect of that southern garfish fishing zone and decrease the unit entitlement under the other licence in respect of that zone by a corresponding number of units;
  - (c) on joint application made to the Minister by the holders of any 2 licences in respect of the Southern Zone Rock Lobster Fishery subject to a condition fixing a southern garfish quota entitlement in respect of the same southern garfish fishing zone—the conditions of the licences may be varied so as to increase the unit entitlement under 1 of the licences in respect of that southern garfish fishing zone and decrease the unit entitlement under the other licence in respect of that zone by a corresponding number of units;
  - (d) on joint application made to the Minister by the holder of a licence in respect of a rock lobster fishery subject to a condition fixing a southern garfish quota entitlement in respect of a particular southern garfish fishing zone (the *first licence*) and the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a southern garfish quota entitlement in respect of the same southern garfish fishing zone (the *second licence*)—
    - (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under the licence in respect of that zone; and
    - (ii) the conditions of the second licence may be varied so as to increase the unit entitlement under that licence in respect of that zone by a corresponding number of units;

- (e) on joint application made to the Minister by the holder of a licence in respect of a rock lobster fishery subject to a condition fixing a southern garfish quota entitlement in respect of a particular southern garfish fishing zone (the **first licence**) and the holder of a licence in respect of the Marine Scalefish Fishery not subject to a condition fixing a southern garfish quota entitlement in respect of that zone (the **second licence**)—
  - (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under that licence in respect of that zone; and
  - (ii) a corresponding number of units may be allocated to the second licence and a condition fixing a southern garfish quota entitlement in respect of that zone may be imposed on that licence;
- (f) if the total catch of southern garfish taken by the holder of a licence in respect of a rock lobster fishery subject to a condition fixing a southern garfish quota entitlement in respect of a particular southern garfish fishing zone during a quota period (the **first quota period**) (being a quota period that commenced on or after 1 July 2021) is less than the southern garfish quota entitlement under the licence for that fishing zone and that quota period, the Minister may vary the conditions of the licence so as to increase the southern garfish quota entitlement in respect of that fishing zone for the following quota period (the **subsequent quota period**) by 1 kilogram of southern garfish for each kilogram by which the catch fell short of the southern garfish quota entitlement for the first quota period up to—
  - (i) —
    - (A) 10% of the quota entitlement for the first quota period; or
    - (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the subsequent quota period; or
  - (ii) if the Minister is satisfied that exceptional circumstances apply—
    - (A) a percentage that exceeds 10% of the quota entitlement for the first quota period; or
    - (B) such other greater kilogram amount of catch, as is determined by the Minister on or before the commencement of the subsequent quota period;
- (g) if the total catch of southern garfish taken by the holder of a licence in respect of a rock lobster fishery subject to a condition fixing a southern garfish quota entitlement in respect of a particular southern garfish fishing zone during a quota period (the **first quota period**) (being a quota period that commences on or after 1 July 2022) exceeded the southern garfish quota entitlement under the licence for that fishing zone and that quota period, the conditions of the licence may be varied so as to decrease the quota entitlement in respect of that fishing zone for the following quota period (the **subsequent quota period**) as follows:
  - (i) if the catch exceeded the quota entitlement by—

- (A) an amount not exceeding 10% of the quota entitlement for the first quota period; or
    - (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the first quota period,by 1 kilogram of southern garfish for each kilogram taken in excess of the quota entitlement; or
  - (ii) if the catch exceeded the quota entitlement by—
    - (A) an amount greater than 10% of the quota entitlement for the first quota period; or
    - (B) such lower percentage of the quota entitlement for the first quota period, or such other lower kilogram amount of catch, as is determined by the Minister on or before the commencement of the first quota period,by 2 kilograms of southern garfish for each kilogram taken in excess of the quota entitlement.
- (5a) For the purposes of—
- (a) subregulation (5)(f)(i) and (ii); and
  - (b) subregulation (5)(g)(i) and (ii),
- any increase in the quota entitlement under a licence applying during a first quota period as a result of a variation of the quota entitlement under the licence previously made under subregulation (5)(f)(i) or (ii) must be disregarded.
- (5b) A variation of a quota entitlement under subregulation (5)(f) or (g) must be expressed to apply only for the quota period during which the variation is made.
- (5c) An application under subregulation (5)(b), (c), (d) or (e) may not be made in respect of southern garfish units allocated to the licence under subregulation (5)(f).
- (6) If a variation of a unit entitlement is to have effect only for the balance of the quota period during which the variation is made, the variation must be expressed to have such effect.
- (7) An application to vary unit entitlements must—
- (a) be made in a manner and form approved by the Minister; and
  - (b) be completed in accordance with the instructions contained in the form; and
  - (c) be accompanied by the prescribed fee.

### **17E—Restrictions on taking King George whiting, snapper, southern calamari and southern garfish**

- (1) The holder of a licence in respect of a rock lobster fishery must not take King George whiting in a King George whiting fishing zone for a commercial purpose unless the licence is subject to a condition fixing a King George whiting quota entitlement in relation to that zone.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (2) The holder of a licence in respect of a rock lobster fishery must not take snapper in a snapper fishing zone for a commercial purpose unless the licence is subject to a condition fixing a snapper quota entitlement in relation to that zone.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (3) The holder of a licence in respect of a rock lobster fishery must not take southern calamari in a southern calamari fishing zone for a commercial purpose unless the licence is subject to a condition fixing a southern calamari quota entitlement in relation to that zone.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (4) The holder of a licence in respect of a rock lobster fishery must not take southern garfish in a southern garfish fishing zone for a commercial purpose unless the licence is subject to a condition fixing a southern garfish quota entitlement in relation to that zone.

Maximum penalty: \$5 000.

Expiation fee: \$315.

### **18—Restriction on taking of vongole and cockles**

- (1) The holder of a licence in respect of a rock lobster fishery must not take vongole under the licence unless—
- (a) the vongole are taken solely for the purpose of bait to be used to take aquatic resources under the licence; and
  - (b) the number of vongole taken for that purpose on any 1 day does not exceed the number fixed by condition of the licence as the maximum number of vongole that may be taken in any 1 day for that purpose.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (2) The holder of a licence in respect of a rock lobster fishery must not, on any 1 day, take a number of cockles under the licence exceeding the number fixed by condition of the licence as the maximum number of cockles that may be taken in any 1 day.

Maximum penalty: \$5 000.

Expiation fee: \$315.

## **19—Rock lobster taken in Northern Zone to be landed whole within State**

The holder of a licence in respect of the Northern Zone Rock Lobster Fishery must ensure that rock lobster taken under the licence—

- (a) is landed whole; and
- (b) is landed within the State.

Maximum penalty: \$5 000.

Expiation fee: \$315.

## **20—Disposal of rock lobster and giant crab**

- (1) Subject to subregulation (2), the holder of a licence in respect of a rock lobster fishery must ensure that all rock lobster and giant crab taken under the licence are consigned or delivered to a registered fish processor.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (2) If a rock lobster is found to be dead when it is landed, the holder of the licence may retain the dead landed rock lobster for a non-commercial purpose, provided that—
  - (a) there are no more than 2 such rock lobster at any time on the boat on which they are landed; and
  - (b) the total number of such rock lobster retained by the holder of a licence in a financial year does not exceed 30.

## **21—Information to be provided—taking King George Whiting**

- (1) If fishing activities involving the taking of King George whiting under a licence in respect of a rock lobster fishery subject to a condition fixing a King George whiting quota entitlement are, or are to be, engaged in, the Department must be notified, in the manner and form, and at such times, as determined by the Minister, of the information specified by the Minister in the determination.
- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the holder of the licence is guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$500.

## **21A—Information to be provided—taking snapper**

- (1) If fishing activities involving the taking of snapper under a licence in respect of a rock lobster fishery subject to a condition fixing a snapper quota entitlement are, or are to be, engaged in, the Department must be notified, in the manner and form, and at such times, as determined by the Minister, of the information specified by the Minister in the determination.
- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the holder of the licence is guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$500.



## **21B—Information to be provided—taking southern calamari**

- (1) If fishing activities involving the taking of southern calamari under a licence in respect of a rock lobster fishery subject to a condition fixing a southern calamari quota entitlement are, or are to be, engaged in, the Department must be notified, in the manner and form, and at such times, as determined by the Minister, of the information specified by the Minister in the determination.
- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the holder of the licence is guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$500.

## **21C—Information to be provided—taking southern garfish**

- (1) If fishing activities involving the taking of southern garfish under a licence in respect of a rock lobster fishery subject to a condition fixing a southern garfish quota entitlement are, or are to be, engaged in, the Department must be notified, in the manner and form, and at such times, as determined by the Minister, of the information specified by the Minister in the determination.
- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the holder of the licence is guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$500.

## **22—Catch and disposal requirements (rock lobster)—Northern Zone**

- (1) The holder of a licence in respect of the Northern Zone Rock Lobster Fishery or the registered master of a registered boat from which rock lobster is taken under such a licence must—
  - (a) notify the Department, in the manner and form, and at such times, as determined by the Minister, of the information specified by the Minister in the determination, before the rock lobster is removed from the boat; and
  - (b) notify the Department of any changes in the information notified under paragraph (a) as determined by the Minister, in the manner and form and in accordance with the requirements specified by the Minister in the determination.
- (2) The holder of a licence in respect of the Northern Zone Rock Lobster Fishery or the registered master of a registered boat from which rock lobster is taken under such a licence must comply with the following provisions in respect of rock lobster taken under the licence:
  - (a) the holder of the licence or registered master must, in the manner and form, at such places and at such times, as determined by the Minister, record such information in respect of the catch and disposal of rock lobster taken under the licence as determined by the Minister;
  - (b) the holder of the licence or registered master must provide the information recorded under paragraph (a) to the Department in the manner and form, and at such times, as determined by the Minister;

- (c) the holder of the licence or registered master must ensure that rock lobster taken under the licence is weighed, stored, placed in containers, sealed, tagged, and transported, delivered, consigned or otherwise disposed of, and accompanied by such information, in accordance with the requirements (if any) as determined by the Minister.
- (3) If a determination of the Minister made for the purposes of subregulation (1) or (2) is not complied with, the holder of the licence and the registered master of the registered boat are each guilty of an offence.  
Maximum penalty: \$5 000.  
Expiation fee: \$500.
- (4) The holder of a licence in respect of the Northern Zone Rock Lobster Fishery must keep records made under subregulation (2) in the manner, at such place, and for such period, as determined by the Minister.  
Maximum penalty: \$5 000.  
Expiation fee: \$315.

### **23—Catch and disposal requirements (rock lobster)—Southern Zone**

- (1) Unless the rock lobster is to be weighed at a certification station nominated by the Minister by notice in the Gazette between the hours specified in the notice, if rock lobster is taken under a South Australian licence, the holder of the licence or the registered master of the registered boat from which the rock lobster is taken must—
  - (a) notify the Department in the manner and form, and at such times, as determined by the Minister, of the information specified by the Minister in the determination, before the rock lobster is removed from the boat; and
  - (b) notify the Department of any changes in the information notified under paragraph (a) as determined by the Minister, in the manner and form and in accordance with the requirements specified by the Minister in the determination.
- (2) The holder of a South Australian licence or the registered master of a registered boat used under a South Australian licence must comply with the following provisions:
  - (a) the holder of the licence or registered master must, in the manner and form, at such places and at such times, as determined by the Minister, record such information in respect of the catch and disposal of rock lobster taken under the licence as determined by the Minister;
  - (b) if rock lobster taken under a Victorian licence is on board a registered boat used under the South Australian licence when the boat enters the Southern Zone, the holder of the South Australian licence or registered master of a registered boat used under the South Australian licence must, in the manner and form, at such places and at such times, as determined by the Minister, record such information in respect of the catch and disposal of rock lobster taken under the Victorian licence as determined by the Minister;
  - (c) the holder of the licence or registered master must provide the information recorded under paragraph (a) or (b) to the Department in the manner and form, and at such times, as determined by the Minister;

- (d) the holder of the licence or registered master must ensure that rock lobster taken under the licence or a Victorian licence is weighed, stored, placed in containers, sealed, tagged, and transported, delivered, consigned or otherwise disposed of, and accompanied by such information, in accordance with the requirements (if any) as determined by the Minister.
- (3) If a determination of the Minister made for the purposes of subregulation (1) or (2) is not complied with, the holder of the licence and the registered master of the registered boat are each guilty of an offence.  
Maximum penalty: \$5 000.  
Expiation fee: \$500.
- (4) The holder of a licence in respect of the Southern Zone Rock Lobster Fishery must keep records made under subregulation (2) in the manner, at such place, and for such period, as determined by the Minister.  
Maximum penalty: \$5 000.  
Expiation fee: \$315.

## **24—Catch and disposal requirements (giant crab)—Southern Zone**

- (1) Unless the giant crab is to be weighed at a certification station nominated by the Minister by notice in the Gazette between the hours specified in the notice, if giant crab is taken under a licence in respect of the Southern Zone Rock Lobster Fishery subject to a condition fixing a giant crab quota entitlement, the holder of the licence or the registered master of the registered boat from which the giant crab is taken must—
  - (a) notify the Department in the manner and form, and at such times, as determined by the Minister, of the information specified by the Minister in the determination, before the giant crab is removed from the registered boat from which it was taken; and
  - (b) notify the Department of any changes in the information notified under paragraph (a) as determined by the Minister, in the manner and form and in accordance with the requirements specified by the Minister in the determination.
- (2) The holder of a licence in respect of the Southern Zone Rock Lobster Fishery subject to a condition fixing a giant crab quota entitlement or the registered master of a registered boat used to take giant crab under such a licence must comply with the following provisions:
  - (a) the holder of the licence or registered master must, in the manner and form, at such places and at such times, as determined by the Minister, record such information in respect of the catch and disposal of giant crab taken under the licence as determined by the Minister;
  - (b) the holder of the licence or registered master must provide the information recorded under paragraph (a) to the Department in the manner and form, and at such times, as determined by the Minister;

- (c) the holder of the licence or registered master must ensure that giant crab taken under the licence is weighed, stored, placed in containers, sealed, tagged, and transported, delivered, consigned or otherwise disposed of, and accompanied by such information, in accordance with the requirements (if any) as determined by the Minister.
- (3) If a determination of the Minister made for the purposes of subregulation (1) or (2) is not complied with, the holder of the licence and the registered master of the registered boat are each guilty of an offence.  
Maximum penalty: \$5 000.  
Expiation fee: \$500.
- (4) The holder of a licence in respect of the Southern Zone Rock Lobster Fishery subject to a condition fixing a giant crab quota entitlement must keep records made under subregulation (2) in the manner, at such place, and for such period, as determined by the Minister.  
Maximum penalty: \$5 000.  
Expiation fee: \$315.

## **25—Catch and disposal requirements—King George whiting**

- (1) The holder of a licence in respect of a rock lobster fishery subject to a condition fixing a King George whiting quota entitlement or the registered master of a registered boat used under such a licence must comply with the following provisions in respect of King George whiting taken under the licence:
  - (a) the holder of the licence or the registered master must, in the manner and form, at such places and at such times, as determined by the Minister, record such information in respect of the catch and disposal of King George whiting taken under the licence as determined by the Minister;
  - (b) the holder of the licence or the registered master must provide the information recorded under paragraph (a) to the Department in the manner and form, and at such times, as determined by the Minister;
  - (c) the holder of the licence or the registered master must ensure that King George whiting taken under the licence are weighed, stored, placed in containers, sealed, tagged, and transported, delivered, consigned or otherwise disposed of, and accompanied by such information, in accordance with the requirements (if any) as determined by the Minister.
- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the holder of the licence and the registered master are each guilty of an offence.  
Maximum penalty: \$5 000.  
Expiation fee: \$500.
- (3) The holder of the licence must keep records made under subregulation (1) in the manner, at such place, and for such period, as determined by the Minister.  
Maximum penalty: \$5 000.  
Expiation fee: \$315.

## **25A—Catch and disposal requirements—snapper**

- (1) The holder of a licence in respect of a rock lobster fishery subject to a condition fixing a snapper quota entitlement or the registered master of a registered boat used under such a licence must comply with the following provisions in respect of snapper taken under the licence:
  - (a) the holder of the licence or the registered master must, in the manner and form, at such places and at such times, as determined by the Minister, record such information in respect of the catch and disposal of snapper taken under the licence as determined by the Minister;
  - (b) the holder of the licence or the registered master must provide the information recorded under paragraph (a) to the Department in the manner and form, and at such times, as determined by the Minister;
  - (c) the holder of the licence or the registered master must ensure that snapper taken under the licence are weighed, stored, placed in containers, sealed, tagged, and transported, delivered, consigned or otherwise disposed of, and accompanied by such information, in accordance with the requirements (if any) as determined by the Minister.
- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the holder of the licence and the registered master are each guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$500.

- (3) The holder of the licence must keep records made under subregulation (1) in the manner, at such place, and for such period, as determined by the Minister.

Maximum penalty: \$5 000.

Expiation fee: \$315.

## **25B—Catch and disposal requirements—southern calamari**

- (1) The holder of a licence in respect of a rock lobster fishery subject to a condition fixing a southern calamari quota entitlement or the registered master of a registered boat used under such a licence must comply with the following provisions in respect of southern calamari taken under the licence:
  - (a) the holder of the licence or the registered master must, in the manner and form, at such places and at such times, as determined by the Minister, record such information in respect of the catch and disposal of southern calamari taken under the licence as determined by the Minister;
  - (b) the holder of the licence or the registered master must provide the information recorded under paragraph (a) to the Department in the manner and form, and at such times, as determined by the Minister;
  - (c) the holder of the licence or the registered master must ensure that southern calamari taken under the licence are weighed, stored, placed in containers, sealed, tagged, and transported, delivered, consigned or otherwise disposed of, and accompanied by such information, in accordance with the requirements (if any) as determined by the Minister.

- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the holder of the licence and the registered master are each guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$500.

- (3) The holder of the licence must keep records made under subregulation (1) in the manner, at such place, and for such period, as determined by the Minister.

Maximum penalty: \$5 000.

Expiation fee: \$315.

## **25C—Catch and disposal requirements—southern garfish**

- (1) The holder of a licence in respect of a rock lobster fishery subject to a condition fixing a southern garfish quota entitlement or the registered master of a registered boat used under such a licence must comply with the following provisions in respect of southern garfish taken under the licence:

- (a) the holder of the licence or the registered master must, in the manner and form, at such places and at such times, as determined by the Minister, record such information in respect of the catch and disposal of southern garfish taken under the licence as determined by the Minister;
- (b) the holder of the licence or the registered master must provide the information recorded under paragraph (a) to the Department in the manner and form, and at such times, as determined by the Minister;
- (c) the holder of the licence or the registered master must ensure that southern garfish taken under the licence are weighed, stored, placed in containers, sealed, tagged, and transported, delivered, consigned or otherwise disposed of, and accompanied by such information, in accordance with the requirements (if any) as determined by the Minister.

- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the holder of the licence and the registered master are each guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$500.

- (3) The holder of the licence must keep records made under subregulation (1) in the manner, at such place, and for such period, as determined by the Minister.

Maximum penalty: \$5 000.

Expiation fee: \$315.

## **26—King George whiting, snapper, southern calamari and southern garfish to be delivered or consigned to registered fish processor**

- (1) The holder of a licence in respect of a rock lobster fishery subject to a condition fixing a King George whiting quota entitlement must ensure that all King George whiting taken under the licence are delivered or consigned to a registered fish processor.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (2) The holder of a licence in respect of a rock lobster fishery subject to a condition fixing a snapper quota entitlement must ensure that all snapper taken under the licence are delivered or consigned to a registered fish processor.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (3) The holder of a licence in respect of a rock lobster fishery subject to a condition fixing a southern calamari quota entitlement must ensure that all southern calamari taken under the licence are delivered or consigned to a registered fish processor.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (4) The holder of a licence in respect of a rock lobster fishery subject to a condition fixing a southern garfish quota entitlement must ensure that all southern garfish taken under the licence are delivered or consigned to a registered fish processor.

Maximum penalty: \$5 000.

Expiation fee: \$315.

## **27—Periodic returns**

- (1) The holder of a licence in respect of a rock lobster fishery must provide the Department with such returns in the manner and form, at such times and containing such information, as determined by the Minister.

Maximum penalty: \$5 000.

Expiation fee: \$500.

- (2) The holder of a licence must keep a record of each return that the licence holder provides to the Department under this regulation in such manner, and for such period, as determined by the Minister.

Maximum penalty: \$5 000.

Expiation fee: \$500.

## **28—Victorian licences**

A person who is the holder of a licence in respect of the Southern Zone Rock Lobster Fishery must—

- (a) if the person becomes the holder of a Victorian licence, notify the Department in the manner and form, and within such time, as determined by the Minister; or
- (b) if the person ceases to hold a Victorian licence, notify the Department in the manner and form, and within such time, as determined by the Minister.

Maximum penalty: \$5 000.

Expiation fee: \$315.

## **29—Sale of rock lobster during closed season**

- (1) Unless the Minister has, by notice in the Gazette, made a determination to the contrary, the holder of a licence in respect of the Southern Zone Rock Lobster Fishery must not sell live rock lobster during the period commencing at 1800 hours on 31 May in any year and ending at 0600 hours on the following 1 October.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (2) It is a defence to a charge of an offence against subregulation (1) if the defendant proves that the defendant did not take the rock lobster to which the charge relates in the Southern Zone.

## **30—Provision relating to keeping of records**

A person required under these regulations to keep a record for a period of time must ensure that the record—

- (a) is maintained in a good condition and is legible; and
- (b) is kept so that it is readily accessible; and
- (c) is produced for inspection by a fisheries officer on request.

Maximum penalty: \$2 500.

Expiation fee: \$210.

## **31—Minister's determinations**

- (1) The Minister may make a determination for the purposes of a regulation.
- (2) A determination may—
  - (a) be of general or limited application; and
  - (b) make different provision according to the persons, things or circumstances to which it is expressed to apply.
- (3) If the Minister makes a determination for the purposes of a regulation, notice of the determination—
  - (a) must be published on the Department's website; and
  - (b) may also be published in the Gazette.
- (4) As soon as practicable after a determination of the Minister is made, a notice in writing setting out the date on which notice of the determination is published and the terms of the determination must be given to the persons bound by the determination in a manner and form that, in the opinion of the Minister, will bring the determination to the attention of those persons.
- (5) The Minister may, by further determination, vary or revoke a determination.
- (6) This regulation does not apply in relation to a determination made for the purposes of regulation 12, 15, 16, 16A, 17, 17A, 17B, 17C or 17D.



## **Schedule 1—Aquatic resources prescribed for rock lobster fisheries**

### **Part 1—Aquatic resources prescribed for the purposes of regulation 4(2)(b) and (3)(b)**

#### **Anguilliformes**

Conger Eel (Family Congridae)

#### **Annelids**

Beachworm (Class Polychaeta)

Bloodworm (Class Polychaeta)

Tubeworm (Class Polychaeta)

#### **Crustaceans**

Giant Crab (*Pseudocarcinus gigas*)

Rock Crab (*Nectocarcinus integrifrons*)

Spider Crab (Family Majidae)

Velvet Crab (*Nectocarcinus tuberculatus*)

#### **Molluscs**

Southern Calamari (*Sepioteuthis australis*)

Cockle

Cuttlefish (*Sepia* spp)

Mussel (*Mytilus* spp)

Octopus (*Octopus* spp)

Oyster (Family Ostreidae)

Scallop (Family Pectinidae)

Gould's Squid (*Notodarus gouldi*)

#### **Scalefish**

Barracouta (*Thyrsites atun*)

Black Bream (*Acanthopagrus butcheri*)

Cod (marine species) (Family Moridae)

Dory (Family Zeidae)

Silver Drummer (*Kyphosus sydneyanus*)

Flathead (Family Platycephalidae)

Flounder (Family Bothidae or Pleuronectidae)

Southern Garfish (*Hyporhamphus melanochir*)

Bluespotted Goatfish (*Upeneichthys vlamingii*)

Australian Herring (*Arripis georgianus*)

Knifejaw (*Oplegnathus woodwardi*)

Leatherjacket (Family Monacanthidae)  
Pink Ling (*Genypterus blacodes*)  
Blue Mackerel (*Scomber australasicus*)  
Common Jack Mackerel (*Trachurus declivis*)  
Morwong (Family Cheilodactylidae)  
Mullet of all species (Family Mugilidae)  
Mulloway (*Argyrosomus japonicus*)  
Redfish (*Centroberyx affinis*)  
Bight Redfish (*Centroberyx gerrardi*)  
West Australian Salmon (*Arripis truttaceus*)  
Sergeant Baker (*Latropiscis purpurissatus*)  
Snapper (*Chrysophrys auratus*)  
Snook (*Sphyraena novaehollandiae*)  
Southern Sole (*Aseraggodes haackeanus*)  
Sea Sweep (*Scorpius aequipinnis*)  
Swallowtail (*Centroberyx lineatus*)  
Blue-eye Trevalla (*Hyperoglyphe antarctica*)  
Trevally (*Carangidae* spp)  
Whiting (Family Sillaginidae)  
Blue Weed-Whiting (*Haletta semifasciata*)  
Wrasse (*Labridae*) (other than Western Blue Groper (*Achoerodus gouldii*))

**Sharks**

Rays of all species (Class Elasmobranchii)  
Shark of all species (Class Elasmobranchii) other than White Shark (*Carcharodon carcharias*)  
Skate of all species (Class Elasmobranchii)

**Part 2—Aquatic resources prescribed for the purposes of regulation 4(2)(c) and (3)(c)**

**Molluscs**

Razorfish (*Pinna bicolor*)  
Vongole

**Scalefish**

Australian Anchovy (*Engraulis australis*)  
Australian Sardine (*Sardinops sagax*)

## **Schedule 2—Transitional provisions**

### **Part 2—Transitional provisions**

#### **2—Eligibility to be granted fishery licence**

- (1) Only a person who is, immediately before the commencement of this clause, the holder of a licence in respect of the Northern Zone Rock Lobster Fishery, may make an application under section 54 of the Act for a licence in respect of that fishery.
- (2) Only a person who is, immediately before the commencement of this clause, the holder of a licence in respect of the Southern Zone Rock Lobster Fishery, may make an application under section 54 of the Act for a licence in respect of that fishery.

## Legislative history

### Notes

- Variations of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Legislation revoked by principal regulations

The *Fisheries Management (Rock Lobster Fisheries) Regulations 2017* revoked the following:

*Fisheries Management (Rock Lobster Fisheries) Regulations 2006*

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2017	235	<i>Gazette 8.8.2017 p3442</i>	15.1.2018: r 2
2019	196	<i>Gazette 1.8.2019 p2913</i>	1.8.2019: r 2
2020	67	<i>Gazette 21.5.2020 p2461</i>	21.5.2020: r 2
2020	263	<i>Gazette 27.8.2020 p4412</i>	27.8.2020: r 2
2020	324	<i>Gazette 17.12.2020 p5790</i>	17.12.2020: r 2
2021	88	<i>Gazette 24.6.2021 p2312</i>	1.7.2021: r 2
2022	38	<i>Gazette 16.6.2022 p1799</i>	1.7.2022: r 2
2022	39	<i>Gazette 16.6.2022 p1813</i>	1.9.2022 except r 6—1.10.2022 and except rr 3 & 5—1.11.2022: r 2
2023	19	<i>Gazette 20.4.2023 p803</i>	1.5.2023: r 2
<b>2023</b>	<b>71</b>	<b><i>Gazette 27.7.2023 p2383</i></b>	<b>31.8.2023 except rr 3 &amp; 4—1.11.2023: r 2</b>

### Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
<i>r 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>1.8.2019</i>
<i>r 3</i>		
<i>r 3(1)</i>		
domestic partner	inserted by 196/2019 r 4(1)	1.8.2019

King George whiting	inserted by 88/2021 r 4(1)	1.7.2021
King George whiting fishing zone	inserted by 88/2021 r 4(1)	1.7.2021
<i>marine scalefish fishery</i>	<i>deleted by 88/2021 r 4(2)</i>	<i>1.7.2021</i>
Marine Scalefish Fishery	inserted by 88/2021 r 4(2)	1.7.2021
snapper	inserted by 88/2021 r 4(3)	1.7.2021
snapper fishing zone	inserted by 88/2021 r 4(3)	1.7.2021
South East Fishing Zone	inserted by 38/2022 r 3	1.7.2022
southern calamari	inserted by 88/2021 r 4(4)	1.7.2021
southern calamari fishing zone	inserted by 88/2021 r 4(4)	1.7.2021
southern garfish	inserted by 88/2021 r 4(4)	1.7.2021
southern garfish fishing zone	inserted by 88/2021 r 4(4)	1.7.2021
spouse	inserted by 196/2019 r 4(2)	1.8.2019
<i>vongole fishing zone</i>	<i>deleted by 88/2021 r 4(5)</i>	<i>1.7.2021</i>
<i>vongole quota entitlement</i>	<i>deleted by 88/2021 r 4(5)</i>	<i>1.7.2021</i>
r 3(3)	varied by 88/2021 r 4(6)	1.7.2021
r 4		
r 4(2)	varied by 88/2021 r 5(1), (2)	1.7.2021
r 4(3)	varied by 88/2021 r 5(3), (4)	1.7.2021
r 12		
r 12(1) and (2)	deleted by 71/2023 r 3(1)	1.11.2023—not incorporated
r 12(3)	substituted by 67/2020 r 4	21.5.2020
r 12(4)	inserted by 67/2020 r 4	21.5.2020
r 12(5)	inserted by 67/2020 r 4	21.5.2020
closed season	(a) deleted by 71/2023 r 3(2)	1.11.2023—not incorporated
<i>r 13 before deletion by 88/2021</i>		
<i>r 13(1)</i>		
<i>quota period 2019-2020</i>	<i>inserted by 263/2020 r 4(1)</i>	<i>27.8.2020</i>
<i>quota period 2020-2021</i>	<i>inserted by 263/2020 r 4(1)</i>	<i>27.8.2020</i>
<i>quota period 2021-2022</i>	<i>inserted by 263/2020 r 4(1)</i>	<i>27.8.2020</i>
<i>r 13(3)</i>	<i>varied by 263/2020 r 4(2)</i>	<i>27.8.2020</i>
<i>r 13(3a)</i>	<i>inserted by 263/2020 r 4(3)</i>	<i>27.8.2020</i>
r 13	deleted by 88/2021 r 6	1.7.2021

r 14		
r 14(1)	varied by 196/2019 r 5(1)	1.8.2019
	(g) deleted by 196/2019 r 5(2)	1.8.2019
r 14(1a) and (1b)	inserted by 196/2019 r 5(3)	1.8.2019
r 14(4a)	inserted by 196/2019 r 5(4)	1.8.2019
r 14A	inserted by 19/2023 r 3	1.5.2023
r 15		
r 15(1)		
following quota period	inserted by 39/2022 r 3(1)	1.11.2022
quota period	substituted by 71/2023 r 4	1.11.2023—not incorporated
quota period 2019-2020	inserted by 67/2020 r 5(1)	21.5.2020
quota period 2020-2021	inserted by 67/2020 r 5(1)	21.5.2020
quota period 2021-2022	inserted by 67/2020 r 5(1)	21.5.2020
quota period 2022-2023	inserted by 324/2020 r 4(1)	17.12.2020
r 15(3)	varied by 67/2020 r 5(2)	21.5.2020
	varied by 324/2020 r 4(2)—(4)	17.12.2020
	amended by 39/2022 r 3(2)	1.11.2022
r 15(3a)	inserted by 67/2020 r 5(3)	21.5.2020
	varied by 324/2020 r 4(5)—(7)	17.12.2020
r 15(3b)	inserted by 324/2020 r 4(8)	17.12.2020
r 15(4)	substituted by 39/2022 r 3(3)	1.11.2022
	amended by 19/2023 r 4	1.5.2023
r 15(4a) and (4b)	inserted by 39/2022 r 3(3)	1.11.2022
r 16		
r 16(1)		
following quota period	inserted by 39/2022 r 4(1)	1.9.2022
quota period	substituted by 263/2020 r 5(1)	27.8.2020
	varied by 324/2020 r 5(1), (2)	17.12.2020
	amended by 38/2022 r 4(1)	1.7.2022
	<b>amended by 71/2023 r 5</b>	<b>31.8.2023</b>
<i>quota period 2019-2020</i>	<i>inserted by 67/2020 r 6(1)</i>	<i>21.5.2020</i>
	<i>varied by 263/2020 r 5(2)</i>	<i>27.8.2020</i>
	<i>deleted by 39/2022 r 4(2)</i>	<i>1.9.2022</i>
quota period 2020-2021	inserted by 67/2020 r 6(1)	21.5.2020
	varied by 324/2020 r 5(3)	17.12.2020
quota period 2021-2022	inserted by 324/2020 r 5(4)	17.12.2020

	amended by 38/2022 r 4(2)	1.7.2022
r 16(3)	(d) deleted by 196/2019 r 6	1.8.2019
	varied by 67/2020 r 6(2)	21.5.2020
	varied by 324/2020 r 5(5)—(8)	17.12.2020
	(ab) deleted by 39/2022 r 4(3)	1.9.2022
	amended by 39/2022 r 4(4)	1.9.2022
r 16(3a)	inserted by 39/2022 r 4(5)	1.9.2022
	amended by 19/2023 r 5	1.5.2023
r 16(3b) and (3c)	inserted by 39/2022 r 4(5)	1.9.2022
r 16A	inserted by 38/2022 r 5	1.7.2022
r 16A		
r 16A(1)		
following quota period	inserted by 39/2022 r 5(1)	1.11.2022
r 16A(3)	amended by 39/2022 r 5(2)	1.11.2022
	(e) deleted by 39/2022 r 5(2)	1.11.2022
r 16A(3a)—(3c)	inserted by 39/2022 r 5(3)	1.11.2022
r 17	substituted by 38/2022 r 6	1.7.2022
r 17		
r 17(1)		
following quota period	inserted by 39/2022 r 6(1)	1.10.2022
r 17(3)	amended by 39/2022 r 6(2)	1.10.2022
	(e) deleted by 39/2022 r 6(2)	1.10.2022
r 17(3a)—(3c)	inserted by 39/2022 r 6(3)	1.10.2022
r 17A	inserted by 88/2021 r 7	1.7.2021
r 17A(1)		
following quota period	inserted by 38/2022 r 7(1)	1.7.2022
r 17A(4a)	inserted by 19/2023 r 6	1.5.2023
r 17A(5)	amended by 38/2022 r 7(2)	1.7.2022
r 17A(5a)—(5c)	inserted by 38/2022 r 7(3)	1.7.2022
r 17B	inserted by 88/2021 r 7	1.7.2021
r 17B(1)		
following quota period	inserted by 38/2022 r 8(1)	1.7.2022
<i>South East Fishing Zone</i>	<i>deleted by 38/2022 r 8(2)</i>	<i>1.7.2022</i>
<i>South East snapper fishing zone</i>	<i>deleted by 38/2022 r 8(2)</i>	<i>1.7.2022</i>
r 17B(4a)	inserted by 19/2023 r 7	1.5.2023
r 17B(5)	amended by 38/2022 r 8(3)—(5)	1.7.2022
r 17B(5a)—(5c)	inserted by 38/2022 r 8(6)	1.7.2022
r 17C	inserted by 88/2021 r 7	1.7.2021

r 17C(1)		
following quota period	inserted by 38/2022 r 9(1)	1.7.2022
r 17C(4a)	inserted by 19/2023 r 8	1.5.2023
r 17C(5)	amended by 38/2022 r 9(2)	1.7.2022
r 17C(5a)—(5c)	inserted by 38/2022 r 9(3)	1.7.2022
r 17D	inserted by 88/2021 r 7	1.7.2021
r 17D(1)		
following quota period	inserted by 38/2022 r 10(1)	1.7.2022
r 17D(4a)	inserted by 19/2023 r 9	1.5.2023
r 17D(5)	amended by 38/2022 r 10(2)	1.7.2022
r 17D(5a)—(5c)	inserted by 38/2022 r 10(3)	1.7.2022
r 17E	inserted by 88/2021 r 7	1.7.2021
r 18		
r 18(1)	substituted by 88/2021 r 8	1.7.2021
r 21		
r 21(1)	substituted by 88/2021 r 9	1.7.2021
rr 21A—21C	inserted by 88/2021 r 10	1.7.2021
r 25	substituted by 88/2021 r 11	1.7.2021
rr 25A—25C	inserted by 88/2021 r 11	1.7.2021
r 26	substituted by 88/2021 r 12	1.7.2021
r 29		
r 29(1)	varied by 67/2020 r 7	21.5.2020
r 31		
r 31(6)	varied by 88/2021 r 13	1.7.2021
	amended by 38/2022 r 11	1.7.2022
Sch 1		
Pt 1		
heading	inserted by 88/2021 r 14(1)	1.7.2021
Pt 1	varied by 88/2021 r 14(2)—(4)	1.7.2021
	amended by 19/2023 r 10(1)—(6)	1.5.2023
Pt 2	inserted by 88/2021 r 14(5)	1.7.2021
Sch 2		
Pt 1	<i>omitted under Legislation Revision and Publication Act 2002</i>	1.8.2019

## Historical versions

1.8.2019  
21.5.2020  
27.8.2020  
17.12.2020  
1.7.2021



1.7.2022  
1.9.2022  
1.10.2022  
1.11.2022  
1.5.2023